

First Lieut. Thomas M. Cockrill.
 First Lieut. Delmore S. Wood.
 First Lieut. Arthur Vollmer.
 First Lieut. Otto B. Trigg.
 First Lieut. George W. L. Prettyman.
 First Lieut. Horace L. Hudson.
 First Lieut. Lawrence C. Frizzell.
 First Lieut. Robert F. White.
 First Lieut. Henry D. Jay.
 First Lieut. Ray L. Burnell.
 First Lieut. Ray Harrison.
 First Lieut. William F. Daugherty.
 First Lieut. John T. Cole.
 First Lieut. Stephen H. Sherrill.
 First Lieut. Charles H. Gerhardt.
 First Lieut. Herbert C. Holdridge.
 First Lieut. Albert C. Smith.
 First Lieut. Nicholas W. Lisle.
 First Lieut. Percy G. Black.
 First Lieut. Albert C. Stanford.
 First Lieut. Louis LeR. Martin.
 First Lieut. William K. Harrison, jr.
 First Lieut. Josiah F. Morford.
 First Lieut. Ernest N. Harmon.

To be first lieutenants.

Second Lieut. Clyde B. Bell.
 Second Lieut. John M. Bethel.
 Second Lieut. Francis P. Tompkins.
 Second Lieut. Cornelius C. Jadwin, 2d.
 Second Lieut. Donald Coray.

INFANTRY.

To be colonel.

Lieut. Col. John F. Madden.

To be lieutenant colonel.

Maj. Paul Giddings.

To be majors.

Capt. William H. Patterson.
 Capt. Elliott M. Norton.
 Capt. Roscoe H. Hearn.
 Capt. Morris M. Keck.
 Capt. Auswell E. Deitsch.
 Capt. Joseph C. Kay.
 Capt. Walter C. Jones.
 Capt. La Vergne L. Gregg.

To be captains.

First Lieut. Lewis Perrine.
 First Lieut. Clarke K. Fales.
 First Lieut. Madison Pearson.
 First Lieut. John M. Boon.
 First Lieut. Roger Hilsman.
 First Lieut. Holmes E. Dager.
 First Lieut. James E. Allison.
 First Lieut. Harry E. Fischer.
 First Lieut. Charles E. Rayens.
 First Lieut. Charles H. Jones.
 First Lieut. Roger Williams, jr.
 First Lieut. Harry B. Hildebrand.
 First Lieut. William Hones.
 First Lieut. Albert C. Anderson.
 First Lieut. William H. Joiner.

COAST ARTILLERY CORPS.

To be lieutenant colonel.

Maj. James B. Mitchell.

To be major.

Capt. Edward D. Powers.

To be first lieutenant.

Second Lieut. Donald W. Sawtelle.

FIELD ARTILLERY ARM.

To be colonels.

Lieut. Col. Harrison Hall.
 Lieut. Col. Wright Smith.

To be lieutenant colonel.

Maj. Augustine McIntyre.

To be major.

Capt. Walter S. Sturgill.

PORTO RICO REGIMENT OF INFANTRY.

To be captains.

First Lieut. Enrique Urrutia, jr.
 First Lieut. Enrique de Orbata.

To be first lieutenant.

Second Lieut. Antonio A. Vazquez.

POSTMASTERS.

COLORADO.

George Haver, Eckley.
 Ernest E. Hufty, Paonia.

NEBRASKA.

Nora G. Johnson, Big Spring.
 Laura M. Baird, Cairo.
 Thomas J. Oberender, Chappell.
 Claude A. Sheffner, Hay Springs.
 Archie L. Smith, Imperial.
 Lew E. Bartholomew, Ralston.

HOUSE OF REPRESENTATIVES.

FRIDAY, May 21, 1920.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou God and Father of us all, who hast made us after Thine own image and likeness in the embryo, to be developed in the strenuous and complicated duties of life.

We are a great people numerically and in achievements, but a heterogeneous mass from every clime and people under the sun, with different traditions and conceptions of life. Teach us, we beseech Thee, how to live together in peace and harmony under American traditions, thoughts, and ideals. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. KING. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?
 Mr. KING. Mr. Speaker, I desire to ask unanimous consent to extend my remarks in the Record by printing two short letters on the financial situation.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the Record by printing two letters on the financial situation. Is there objection?

Mr. BLACK. Mr. Speaker, I object.

CALL OF THE HOUSE.

Mr. GARD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Ohio makes the point of order that there is no quorum present. In the opinion of the Chair there is no quorum present—

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

| | | | |
|---------------|---------------|-----------|---------------|
| Blackmon | Frear | Kitchin | Small |
| Booher | Gandy | Kreider | Smith, N. Y. |
| Brinson | Godwin, N. C. | Lankford | Smithwick |
| Britten | Goodall | Lasher | Snyder |
| Brumbaugh | Graham, Pa. | McDuffie | Steele |
| Caraway | Greene, Vt. | McPherson | Stevenson |
| Carter | Harrison | Merritt | Strong, Pa. |
| Clark, Fla. | Hastings | Montague | Summers, Tex. |
| Cole | Hayden | Morin | Tillman |
| Costello | Heflin | O'Connor | Towner |
| Curry, Calif. | Hernandez | Rhodes | Vaile |
| Dominick | Hersman | Riordan | Venable |
| Doolling | Hoch | Rose | Ward |
| Doremus | Holland | Rowan | Willson, Pa. |
| Drane | Hullings | Sabath | Zihlman |
| Drewry | Hutchinson | Scully | |
| Ellsworth | Jones, Pa. | Sears | |
| Elston | Kettner | Siegel | |

The SPEAKER. On this roll call 361 Members have answered to their names. A quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 13138. An act to amend section 8 of an act entitled "An act to supplement existing laws against unlawful restraints and

monopolies, and for other purposes," approved October 15, 1914, as amended May 15, 1916;

H. R. 11024. An act to amend an act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914," approved June 30, 1913;

H. R. 10285. An act to authorize the purchase by the city of Myrtle Point, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and revested in the United States by the act approved June 9, 1916;

H. R. 13576. An act to authorize the Secretary of War to turn over to the Postmaster General without charge therefor a certain building, or buildings, now located at Watertown, N. Y.;

H. R. 13389. An act to authorize the Secretary of the Interior to dispose of at public sale certain isolated and fractional tracts of lands formerly embraced in the grant to the Oregon & California Railroad Co.;

H. R. 13274. An act to convey to the Big Rock Stone & Construction Co. a portion of the military reservation of Fort Logan H. Roots, in the State of Arkansas;

H. R. 13157. An act authorizing the issuance of patent to Johnson County, Wyo., of lands for poor-farm purposes;

H. R. 9825. An act authorizing certain railroad companies, or their successors in interest, to convey for public-road purposes certain parts of their rights of way;

H. R. 9781. An act to amend section 217 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; and

H. R. 8440. An act to restore to the public domain certain lands heretofore reserved for a bird reservation in Siskiyou and Modoc Counties, Calif., and Klamath County, Oreg., and for other purposes.

PEACE WITH GERMANY.

Mr. PORTER. Mr. Speaker, I move to take from the Speaker's table House joint resolution 327, entitled "A joint resolution terminating the war declared to exist April 6, 1917, between the Imperial German Government and the United States, permitting on conditions the resumption of reciprocal trade with Germany, and for other purposes," and I move to concur in the Senate amendments.

The SPEAKER. The gentleman from Pennsylvania moves to take from the Speaker's table and concur in the Senate amendments to the joint resolution, which the Clerk will report by title.

The Clerk read as follows:

House joint resolution (H. J. Res. 327) terminating the state of war declared to exist April 6, 1917, between the Imperial German Government and the United States, permitting on conditions the resumption of reciprocal trade with Germany, and for other purposes.

Mr. FLOOD. Mr. Speaker, I would like to ask the gentleman if we can agree on some time for debate on this resolution?

Mr. PORTER. As I understand, we are limited to an hour, and I am perfectly willing to divide that time with the gentleman from Virginia.

Mr. FLOOD. We are not limited to an hour, I understand, unless the gentleman moves the previous question at the end of the hour.

Mr. PORTER. That is my intention, to close debate at the end of the hour.

Mr. FLOOD. We have a very considerable demand for time on this side, and I would like to ask the gentleman to agree not to move the previous question at the end of the hour.

Mr. PORTER. Well, Mr. Speaker, this resolution has been debated by the House upward of nine hours when it passed the House, and we do not think that the time for debate should be extended beyond the hour.

Mr. FLOOD. This resolution was debated in the Senate three or four or five days, but I will call the attention of the gentleman to the fact that it has not been debated here at all, and this is an entirely different resolution in many respects from the resolution which was adopted by the House.

Mr. PORTER. In reply I will say that the fundamentals of the resolutions are the same; they strive for the same object—peace.

Mr. FLOOD. This resolution does leave out some of the more obnoxious features of the House resolution, but there are a good many differences between this resolution and the House resolution.

SEVERAL MEMBERS. Regular order!

Mr. FLOOD. I hope the gentleman will let us have more time to debate it.

SEVERAL MEMBERS. Regular order!

Mr. PORTER. Mr. Speaker, I decline to yield any further time.

The SPEAKER. The Clerk will report the Senate amendments.

Mr. FLOOD. Mr. Speaker, I will ask the gentleman if this side is to have any of the hour the gentleman is going to allow for debate on this resolution?

Mr. PORTER. I stated to the gentleman it would be equally divided.

Mr. FLOOD. Will the gentleman please yield me 30 minutes now?

Mr. PORTER. I will yield 30 minutes to the gentleman from Virginia.

The SPEAKER. The Clerk will report the Senate amendments.

The Clerk read as follows:

Strike out the preamble.

Strike out all after the resolving clause and insert:

"That the joint resolution of Congress passed April 6, 1917, declaring a state of war to exist between the Imperial German Government and the Government and people of the United States, and making provisions to prosecute the same, be, and the same is hereby, repealed, and said state of war is hereby declared at an end: *Provided, however,* That all property of the Imperial German Government, or its successor or successors, and of all German nationals which was, on April 6, 1917, in or has since that date come into the possession or under the control of the Government of the United States or of any of its officers, agents, or employees, from any source or by any agency whatsoever, shall be retained by the United States and no disposition thereof made, except as shall specifically be hereafter provided by Congress, until such time as the German Government has, by treaty with the United States, ratification whereof is to be made by and with the advice and consent of the Senate, made suitable provisions for the satisfaction of all claims against the German Government of all persons, wheresoever domiciled, who owe permanent allegiance to the United States, whether such persons have suffered, through the acts of the German Government or its agents since July 31, 1914, loss, damage, or injury to their persons or property, directly or indirectly, through the ownership of shares of stock in German, American, or other corporations, or have suffered damage directly in consequence of hostilities or of any operations of war, or otherwise and until the German Government has given further undertakings and made provisions by treaty, to be ratified by and with the advice and consent of the Senate, for granting to persons owing permanent allegiance to the United States, most favored nation treatment, whether the same be national or otherwise, in all matters affecting residence, business, profession, trade, navigation, commerce, and industrial property rights, and confirming to the United States all fines, forfeitures, penalties, and seizures imposed or made by the United States during the war, whether in respect to the property of the German Government or German nationals, and waiving any pecuniary claim based on events which occurred at any time before the coming into force of such treaty, any existing treaty between the United States and Germany to the contrary notwithstanding.

"Sec. 2. That in the interpretation of any provision relating to the date of the termination of the present war or of the present or existing emergency in any acts of Congress, joint resolutions, or proclamations of the President containing provisions contingent upon the date of the termination of the war or of the present or existing emergency, the date when this resolution becomes effective shall be construed and treated as the date of the termination of the war or of the present or existing emergency, notwithstanding any provision in any act of Congress or joint resolution providing any other mode of determining the date of the termination of the war or of the present or existing emergency.

"Sec. 3. That until by treaty or act or joint resolution of Congress it shall be determined otherwise, the United States, although it has not ratified the treaty of Versailles, does not waive any of the rights, privileges, indemnities, reparations, or advantages to which it and its nationals have become entitled under the terms of the armistice signed November 11, 1918, or any extensions or modifications thereof or which under the treaty of Versailles have been stipulated for its benefit as one of the principal allied and associated powers and to which it is entitled.

"Sec. 4. That the joint resolution of Congress approved December 7, 1917, declaring that a state of war exists between the Imperial and Royal Austro-Hungarian Government and the Government and the people of the United States and making provisions to prosecute the same, be, and the same is hereby, repealed, and said state of war is hereby declared at an end, and the President is hereby requested immediately to open negotiations with the successor or successors of said Government for the purpose of establishing fully friendly relations and commercial intercourse between the United States and the Governments and peoples of Austria and Hungary.

"Amend the title so as to read: 'Joint resolution repealing the joint resolution of April 6, 1917, declaring that a state of war exists between the United States and Germany, and the joint resolution of December 7, 1917, declaring that a state of war exists between the United States and the Austro-Hungarian Government.'"

Mr. PORTER. Mr. Speaker, while House joint resolution 327 and the Senate substitute therefor differ materially in form, in effect they are substantially the same.

Section 1 of the Senate substitute, in addition to terminating the state of war between the Imperial German Government and the United States, repeals the resolution of April 6, 1917, declaring a state of war to exist between the two countries, and forbids the disposition of any property of the Imperial German Government or its nationals now in the possession of the United States until a treaty of peace has been ratified between the two Governments and full reparation is made to all persons owing permanent allegiance to the United States for loss, damage, or injury to their persons or property caused by the German Government or its nationals; in other words, section 1 suspends any disposition of the property of enemy aliens until a treaty of peace has been duly ratified and just compensation is made by the German Government to American citizens who have suffered

damages by reason of the wrongful acts of the German Government or its nationals.

Section 2, which provides for the termination of all war legislation, is identical with the same section in the House resolution.

Section 3 preserves all of the rights and advantages accruing to the United States under the armistice signed November 11, 1918, and the treaty of Versailles the same as if the United States had duly ratified said treaty. This section differs from section 5 of the House resolution only in wording. Both sections prevent the passage of this resolution from being construed as a waiver of any of the rights accruing to the United States by reason of its participation in the war.

Section 4 of the Senate substitute repeals the resolution of December 7, 1917, declaring a state of war between the Imperial and Royal Austro-Hungarian Government and the Government and the people of the United States and requests the President immediately to open negotiations for a treaty of peace with the successor or successors of said Government.

Section 3 of the House resolution, which allows reciprocal trade between the two countries upon certain conditions, and section 4, which provides a penalty for the violation of this section, have been stricken out.

It is unnecessary to remind the House that it is now upward of 19 months since the armistice was signed on November 11, 1918, and neither of the belligerents has indicated the slightest intention of resuming hostilities; on the contrary, the armies of both sides have been demobilized, commercial relations between the peoples of the United States and Germany have been partially resumed; all the nations associated with us in the war have formally ended it by treaty with Germany, and the Imperial German Government has been supplanted by a Republic. Germany has conceded our demands by the treaty of Versailles, and the only controversy remaining is the one between the Chief Executive and the Senate over the terms of the treaty. Under this state of facts, no reasonable mind can escape the conclusion that the war is long since terminated, and that our country is insistently demanding that the shadow which this technical state of war casts upon the rights and liberties of the American people shall be promptly removed. Congress, having exercised its power to declare war, to raise and support an army, to provide and maintain a navy, to reach into the homes of the rich and poor alike and take therefrom the sons and place them on the battle fronts, and to marshal all the resources of the Nation for the successful prosecution of the war, surely has the right to exercise the same power and vacate its official acts and thus restore the Nation to a state of peace. [Applause.]

The arbitrary position taken by the President in regard to the terms of the treaty with the Imperial German Government has prevented the making of peace in the usual way, which is by treaty; it therefore becomes the imperative duty of Congress to declare officially that the war is at an end. Under ordinary circumstances the differences between the two branches of Congress on a measure of this kind are settled in conference, but such action would delay the passage of the resolution and probably subject it to a filibuster in the Senate on the conference report. Your committee, therefore, being fully convinced that time is the essence of this legislation, we have moved to concur in the Senate amendments so that the measure shall promptly reach the President.

The passage of either resolution will require the President to state whether or not he intends to relinquish the extraordinary war powers vested in him by Congress, as all our former wartime Presidents have done after the termination of war, or if he intends to remain a dictator and use these drastic and obnoxious laws as a weapon to compel the Senate to desist from its efforts to Americanize the treaty of peace. The American people will await his answer with deep interest and grave concern. [Applause.]

Mr. Speaker, I reserve the remainder of my time.

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. CONNALLY], and, Mr. Speaker, I ask unanimous consent that those who speak on this resolution may be permitted to revise and extend their remarks.

The SPEAKER. The gentleman from Virginia asks unanimous consent that all who speak on this resolution may revise and extend their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. CONNALLY. Mr. Speaker and gentlemen of the House, the action of the majority is rather amusing when it is remembered that on the 9th of April, H. J. Res. 327, an altogether different resolution from that now presented, passed this House and in due course went to the Senate. You will remember that it was current rumor all about this Capitol at that time

and before that the resolution which was passed in the House had been drafted in conferences between Republican leaders of the House and leaders at the other end of the Capitol who had been directing the fight over the treaty for almost a year. Is it not remarkable that in view of such facts the Senate should strike from the House resolution every line and every word except the enacting clause and substitute wholly different provisions and language?

The action of the Senate leaders in inducing the House to pass a resolution so palpably unconstitutional and then abandoning the resolution for another of wholly different text can only be explained upon the hypothesis that the House was utilized as the victim of an experimental operation. With the House first acting senatorial spectators could gain a more impersonal and accurate estimate of the reception given it by the public and could better gauge the political aspects presented. The experimental operation was had. The public so skillfully sensed the futility and even the hypocrisy of the measure and so scorned the shameless and shocking defiance of constitutional limitations which it exhibited that those who had formerly secretly fathered it now renounced and repudiated their putative paternity. The nauseous dose was sweetened and softened and scented and is now presented to the House with directions on the bottle which will be faithfully followed. We now consider a resolution absolutely variant from that which was passed in the House, notwithstanding the assurance of the chairman of the Committee on Foreign Affairs that it is practically the same.

To-day, though we are faced by a new situation, the majority is no less subservient to Senate suggestion and is no less willing to obey the behests of those who sit in another body and whose minds direct the action of this House on this resolution than on the 9th of April. The Washington Post of yesterday morning contained a statement entitled "House to pass Knox plan," and reading:

Republican leaders in the House agreed yesterday to accept the peace resolution as adopted by the Senate as a substitute for the House resolution and decided tentatively to call it up to-morrow for final action.

The Washington Star of May 19, 1920, contained a similar statement.

Now there are so many "Knox plans" and they change their minds and methods so often that to know exactly what is meant requires a perusal of the last edition of the paper. The resolution that you adopted on April 9 was a "Knox plan," but in the meantime something has modified the minds of the architects of that Knox plan and we now have another "Knox plan."

But, gentlemen, your attention is particularly called to the declaration of this resolution that a repeal is had of the declaration of war. This purported repeal of the declaration of war is inserted in the hope that it will fool somebody into the thought that by the repeal of the resolution declaring a state of war to exist a state of peace is restored.

It was incontestably established in the debate in the House that peace could only be restored by the joint action of the belligerents. Congress could repeal the act providing for the census of 1900, but its records would remain. It could repeal the act which made appropriations for the Post Office Department for the year 1908, but not a single dollar expended would return to the Treasury, and not a letter would return to the sender. Such repeals would be as effective as this. Allow me to suggest to the chairman that he ought to repeal the declaration of war against Great Britain in 1812. I understand it still stands on the statute books unrepealed, and I am reliably informed that the act of Congress declaring a state of war to exist with the Republic of Mexico in 1846 stands on the statute books unrepealed. Have you gentlemen overlooked the condition in which the country now stands? Do you realize you have not repealed the act declaring war with Spain in 1898?

Mr. PORTER. Will the gentleman yield?

Mr. CONNALLY. Yes.

Mr. PORTER. Do you not think the treaties of peace between Great Britain and the United States and the treaty of peace between the United States and Spain repealed the declaration of war?

Mr. CONNALLY. Certainly. And that is the method by which you should repeal this declaration of war. The only constitutional way to repeal it is by a treaty of peace. Everybody seems to know that except the majority on that side of the House. [Applause.]

The Senate resolution itself, perhaps unwittingly, admits that the repeal of the declaration of war does not legally restore

peace. If it did, there would be no necessity for adding at the end of the repealing clause the following language: "And said state of war is hereby declared at an end."

Mr. HARDY of Texas. Will the gentleman yield right there?

Mr. CONNALLY. I yield.

Mr. HARDY of Texas. And if a war is at an end the declaring of it at an end does not add anything to it?

Mr. CONNALLY. The gentleman is correct, of course.

Section 1 of this resolution provides what else? It provides there is peace, war is at an end, but we say to Germany and to the world that notwithstanding there is peace we propose to hold on to every dollar's worth of German property that is in possession of the United States until the negotiation and ratification of a treaty.

American seizure and possession of enemy property were authorized under international law by the existence of a state of war. But for such a state we should have transgressed treaties and the law of nations. Without an adjustment of such property rights it is urged that Congress terminate the status upon which our claims are founded and at the same time announce its retention of enemy property. If the resolution creates a status of peace will not the question at once arise as to the right of the United States to retain property whose seizure and possession were only justified by a state of war? May it not be contended by Germany, at the bar of the law of nations, that the resumption of peace automatically restores seized property to its former status in the absence of treaty stipulations? It was enemy property because it was owned by enemies; when peace is restored they will no longer be enemies but friends, and can it not be argued with much force that the character of the property is that of its owners? Property in itself has no nationality. It possesses no citizenship. It has not the power to express its preference of two flags. Cold, inanimate, bloodless, and passionless, it is thrilled neither by the strains of the Star-Spangled Banner nor by the chant of Deutschland Uber Alles. In war its flag is the flag of its conquering possessor; in peace its flag is the flag of its owner.

The Allies through the reparations commission are now arranging with Germany for the payment of indemnities under the treaty of Versailles, to which the United States is not a party, and through which she can claim no right until she becomes a ratifying party. Germany is in an international court of bankruptcy.

Large amounts of property claimed by her and her citizens and unquestionably theirs before the war are now in the possession of America. Germany's creditors under the treaty are interested in bringing into the bankruptcy court all of the debtor's estate to swell the fund to which they are looking for the discharge of their debts. If peace is declared by this resolution, does it require an elastic imagination to conceive a possible situation that might arise in which the Allies may question our right to retain German property, as against their claims?

To such a contention we should reply that during the existence of war, conformably to international usage and precedent, seizure had been made of the property as that of an enemy. Unless the British and French are less astute than they have heretofore shown themselves to be they would probably reply, "You had the right to seize the property and hold it during the war, and through your possession could have contracted with Germany by treaty for its permanent retention, under right superior to that of other nations and to their entire exclusion, but you have not so bargained with Germany. You have voluntarily restored the status of peace without a contract with Germany. By the coming of peace your war tenure ceased to exist. The property was seized in war but was released in peace. In the meantime we have made and sealed an agreement with Germany affecting this identical property and our rights have attached and are superior to those you voluntarily waived."

This suggestion is strengthened by the fact that under the treaty it is stipulated that at least a portion of such property is to be delivered to the reparations commission for the account of the Allies. It may be contended, however, that by an understanding the German ships in part were to be assigned by the Allies to the United States. That may be true. Yet the agreement was tentative. It was based upon an assumption that the United States would ratify in some form the treaty. Had it done so the tentative agreement would have been confirmed. But how can the United States demand of the Allies rights under a compact to which it is not a party and whose obligations it declines to assume? Our conduct must be squared by the standard of international law—a law that recognizes the claims of all nations and not alone those of the United States and Germany. By a mere *ex parte* declaration of an intention on our part to hold German property, as contained in the reso-

lution, the legal and logical consequences that follow the restoration of peace or the ending of the war can not be avoided.

In section 3 a similar attempt is made to preserve to the United States rights under the armistice and the treaty by a declaration that such rights are not waived. No argument is needed to convince the slowest mind that peace terminates an armistice. Under the law of nations it is extremely doubtful if any rights existing by virtue of an armistice can be preserved by a simple assertion of nonwaiver when peace is actually re-established.

In undertaking to secure American rights under the treaty the following language is employed:

Rights—which under the treaty of Versailles have been stipulated for its benefit as one of the principal allied and associated powers, and to which it is entitled.

It is difficult to conceive why the words "and to which it is entitled" were added. If such rights must have been both stipulated in the treaty for the benefit of the United States, "and to which it is entitled," it would seem that unnecessarily a double chain of title is required. Ought it not be sufficient if such rights were stipulated in the treaty? Why attach as another condition "and to which it is entitled"? These terms are contradictory and confusing. Until the United States ratifies the treaty it can not become "entitled" to any rights based upon it. If the United States is already "entitled" legally to such rights upon any basis other than the treaty, no occasion exists that such rights should also be stipulated in the treaty. Neither in reason nor any species of logic can the double requirement that in order to be preserved such rights must both be stipulated in the treaty and be such as the United States is entitled to be justified. Either requirement should be sufficient.

The SPEAKER. The time of the gentleman has expired.

Mr. FLOOD. I yield two minutes more to the gentleman.

Mr. CONNALLY. I want to call your attention to the last section of this resolution, in which may be found one of its most amusing features. You will remember when the resolution passed the House no mention was made of the state of war existing between Austria and the United States.

The resolution sought to reestablish peace with Germany alone. During the debate the minority reminded gentlemen on that side that a state of war with Austria still existed. However, in order to prevent the resolution from doing violence to itself, in order to guarantee that the irresponsible majority might not mutilate the measure by amendment, lest the majority might not accept it just as presented, to prevent any independence of thought which might approve proper amendments, or lest the Democrats might offer an amendment that would appeal to the conscience of the Republicans, the Republican steering committee had placed the resolution in a parliamentary strait-jacket, under a rule denying opportunity to offer amendments. It could not be revised so as to include Austria. When it reached the Senate it was realized that a blunder had been made and section 4 was inserted, which repeals the declaration of war against Austria.

Though the resolution pretends to declare an end of war and to restore peace, the President is requested to immediately open negotiations for the establishment of friendly relations, and so forth.

Mr. BRITTEN. Mr. Speaker, will the gentleman yield?

Mr. CONNALLY. Not now. I have but a minute. Throughout this contest the Democrats have contended that Congress could not negotiate a treaty and our adversaries now confess their error. Why call on the President? Why not Congress complete the job? The most humiliating thing that the House and Senate as now composed must suffer is to admit at the end of this resolution their own lack of authority and to request the President: "Please enter into negotiations with Austria, Mr. President." This proud political party, in its partisan picture play, with its pretended puissance, has to finally admit that there are limitations to its power! Both Houses have solemnly said in a loud tone of voice, "Let there be peace," and there was not peace. [Applause on the Democratic side.]

Mr. PORTER. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. HUDDLESTON].

The SPEAKER. The gentleman from Alabama is recognized for five minutes.

Mr. HUDDLESTON. Mr. Speaker, the matter presented is substantially the same as was presented by the peace resolution adopted by the House on April 9. The Senate amendment to the peace resolution, which we are considering, substantially improves that measure, but on the whole the issue is the same. No change in principle has been made. In the brief time at my disposal I do not undertake to repeat the arguments which I then submitted. As to the situation politically and otherwise,

both foreign and domestic, there has been no change except that the President by his recent Hamaker telegram has further shown his unwillingness to accept any change in the treaty of Versailles and that he remains in hopeless deadlock with the Senate.

THE PRESIDENT'S POSITION.

The President of the United States, in his letter to Senator HITCHCOCK of March 8, referring to the covenant of the League of Nations, said:

I need not say, Senator, that I have given a great deal of thought to the whole matter of reservations proposed in connection with the ratification of the treaty, and particularly that portion of the treaty which contains the covenant of the League of Nations, and I have been struck by the fact that practically every so-called reservation was in effect a rather sweeping nullification of the terms of the treaty itself. I hear of reservationists and mild reservationists, but I can not understand the difference between a nullifier and a mild-nullifier. Our responsibility as a Nation in this turning point of history is an overwhelming one, and if I had the opportunity I would beg everyone concerned to consider the matter in the light of what it is possible to accomplish for humanity rather than in the light of special national interests.

This letter can not be interpreted otherwise than as meaning that the President is determined not to accept any reservation, change, or amendment of substance to the covenant or treaty. This view of his position is confirmed by the President's letter upon the subject to Hon. Jouett Shouse, and also by his telegram of May 10 to G. E. Hamaker, chairman of the Democratic committee of Multnomah County, Oreg., in which he says:

The chief motives which led us to enter the war will be defeated unless that covenant is ratified and acted upon with vigor. We can not in honor whittle it down or weaken it, as the Republican leaders of the Senate have proposed to do. If we are to exercise the kind of leadership which the founders of the Republic looked forward to and which they depended upon their successors to establish, we must do this thing with courage and unalterable determination.

At no time has the President intimated that he will accept any amendment or reservation which changes the meaning of the covenant or treaty. On the other hand, all his expressions have been to the contrary, and there is no basis whatsoever upon which hope that the President would accept reasonable reservations may be founded.

MAKES THE LEAGUE A PARTY ISSUE.

It is clear from the President's expressions on the subject that he is unalterably determined upon the covenant and treaty without change of substance, and that he will agree to no reservation which means anything. Not only is this the President's position, but the Hamaker telegram shows him to be resolved upon projecting the issue upon the League of Nations into the coming political campaign. The telegram was in response to Hamaker's direct question to the President, by which he was asked "whether you consider it important to nominate candidates pledged to ratify Versailles treaty without Lodge reservations."

The President's answer to Hamaker's inquiry can not be interpreted otherwise than as strong in the affirmative. He is determined that the campaign shall turn upon the issue whether the League of Nations shall be approved as it is planned in the treaty or whether it shall be rejected in its entirety. He would make this the paramount issue of the campaign and would have the Democratic Party to stand or fall by it. He demands that the party platform when adopted at San Francisco shall declare unequivocally in favor of an unamended and unchanged covenant of the League of Nations and the treaty of Versailles just as he first submitted them to the Senate.

I protest against this position, and to make my protest more emphatic must vote for the pending resolution. I protest against an unyielding policy, a stubborn and uncompromising policy, which insists as the price of peace that the covenant be accepted without dotting an "i" or crossing a "t."

As an American citizen I protest against that policy, against the domestic strife and confusion that will flow from such an issue, against the turning aside from grave domestic questions into foreign complications which do not press for immediate decision.

AMERICA WANTS PEACE.

America wants peace. Its very interest demands it. We must have peace for the quiet it will bring, for the stilling of discontent and unrest, for the domestic security which we can have only through peace. We must have peace on such terms as can be put through, as are acceptable not only to the President but also to the Senate, which has a grave and important constitutional function to perform in regard to treaties.

Every interest of our country cries aloud for peace, the quiet and harmony of civil life, the solution of pressing public questions, the reconstruction of our country, the increase of production, the reduction of the prices of the necessities of life, the resumption of industry and trade, the general restora-

tion of our normal life. Harsh war laws are yet being harshly enforced. Their time of usefulness has passed. We need more of mutual confidence and good will among all classes and conditions of men. The resumption of a state of peace will promote all these desirable ends.

FATAL PARTY POLICY.

I protest against a stubborn and uncompromising policy upon the treaty, first, as an American citizen. I protest, second, as a Democrat who believes that the welfare of our country is bound up in the success of the political party of which I am a member. As a Democrat I protest against my party being committed to a policy of refusing all compromise and demanding that the League of Nations shall be accepted without reservation or change. The issue is not whether changes or reservations should be made in the covenant, nor whether the League of Nations ought to be approved without change. That is not the issue. The issue is whether, assuming that the League of Nations is proper in every respect, we should refuse to accept alteration or amendment thereof and demand of the country, as a condition of peace, that all views to the contrary be surrendered and the league be accepted without qualification. The American people will not approve such a stubborn and uncompromising policy. The people will not indorse either the public man or the political party which takes such an arrogant position. If such a program is fastened upon the Democratic Party at San Francisco, it is certain to carry us down into defeat and disaster. I protest against the threatened destruction of the Democratic Party, which I fear will follow if it is committed to any such dangerous and unpatriotic policy.

I protest against my party being sent down to defeat in the next election upon any such issue. To adopt such a policy will mean for it only ruin and defeat. If in obedience to the President's demand the Democratic convention at San Francisco shall adopt such a policy as its platform, then the logical thing is to put Mr. Wilson forward as our next candidate for President to run upon the platform of his dictation. If it is to be that upon Mr. Wilson's demand the Democratic horse is to be ridden to ruin, then let him take the saddle himself as the candidate.

Mr. PORTER. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. LONGWORTH].

The SPEAKER. The gentleman from Ohio is recognized for five minutes.

Mr. LONGWORTH. Mr. Speaker, the last time this resolution was before the House it received the votes of all but two gentlemen upon this side and the votes of all gentlemen upon that side who, like the gentleman from Alabama [Mr. HUBBLESTON], do some little thinking for themselves. [Applause on the Republican side.]

The Senate resolution differs from that not at all in principle or substance but only in some matters of detail. Frankly, I prefer the resolution as it passed the House, but I am delighted to vote to concur in the Senate amendments, because by doing so we shall bring as soon as possible the thing that Americans desire—the peace of the world. [Applause on the Republican side.]

This perhaps is not the best way to obtain peace, but it is the only way. [Applause on the Republican side.] The way to have obtained peace—the proper way—was for the Executive, who conducted the negotiations, to have brought back a real peace treaty without extraneous matter in it. [Applause on the Republican side.] And if such a treaty had been brought back to the American Senate it would have been ratified in two months. [Applause on the Republican side.] Yet the President insisted upon inserting and has since boastfully claimed that he had had inserted in that treaty his League of Nations, which 90 per cent of the American people disapproved [applause on the Republican side], because it sacrifices the fundamental principles for which all great American leaders have stood, which millions of American citizens have fought to preserve, and which, of all Presidents, Woodrow Wilson has been the first to abandon. [Applause on the Republican side.]

The international effect of our still being at war is not the only thing to be considered. We feel the effect here at home. To-day we are oppressed by war boards and war commissions beyond all patience, and that is because all war powers granted by Congress terminate at one fixed date, to wit, the date of the proclamation by the President that ratification of a peace treaty has been completed. Now, we all know, gentlemen, that termination of the war upon those terms can never come to pass so long as Wilson is President of the United States.

In our effort to economize in this Congress our greatest obstacle has been these vast numbers of useless employees and commissions, which exist only by virtue of the fact that this

country is still technically at war. The time has come to bring about the termination of the war, and the only way it is possible to bring that about is to pass this resolution. [Applause.]

Some say the President will veto it. That is his privilege. He has always been defiant of the will of Congress; but it may be that when he finds that the Congress, by a great majority in both its branches, has insisted by this resolution upon having peace, the veto will not be forthcoming. But if it does come, we at least will have the satisfaction of knowing that we have interpreted the will, as I believe, of the overwhelming majority of the American people that this technical state of war shall be declared to be over and done for. [Applause.]

Mr. FLOOD. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Speaker and gentlemen, the world wants peace. [Applause.] That is a very beautiful thought, and he would have to be utterly unregenerate who would refuse to assent to that sentiment. [Applause on the Republican side.]

You applaud, gentlemen, but does this resolution now before us mean peace? You know in your hearts that it does not. Peace means not only the cessation of hostilities, but the adjustment of mutual claims and antagonistic interests. It is a bilateral contract and can not be brought about by the mere ipse dixit of one side or the other. There is no virtue in simply saying that we are at peace. That declaration will add nothing to the President's assertion that the war is at an end.

This resolution proposes to repeal or rescind the joint resolution of Congress passed April 6, 1917, by which a state of war was declared to exist between the Imperial German Government and the people of the United States. I presume you will admit that this is the first time in the history of the United States, and perhaps in the history of the world, that such a thing has been attempted; particularly when actual hostilities have followed upon the declaration of war. I am not saying that for that reason it can not or should not be done now. In a meritorious case we might be justified in making a precedent. The fact, however, that it aims to do something which does not appear to have been contemplated by our Constitution and a thing which was never done before imposes upon us the duty of very rigid scrutiny. The Constitution of the United States prescribes the method of arriving at a state of peace. It provides for a formal treaty to be negotiated through the President with the Nation's enemies, and it specifically provides that that treaty shall be approved by the Senate before it may be proclaimed. Confessedly, then, this resolution stands in the guise of a subterfuge to circumvent the Constitution. It bears all the earmarks of the shrewd and technical lawyer.

I will not enter into the controversy as to whether or not the treaty should have been ratified with reservations, without reservations, or not at all. I may confess, however, in passing that I am not completely satisfied that the spirit in which it was rejected was wholly disinterested, humanitarian, or even American. It brought out an exhibition of partisanship that is unparalleled in our history. Consistency and sincerity were thrown to the winds and the lessons of history disregarded. While pretending to follow the teachings of Washington and Jefferson in the avoidance of entangling alliances with other nations, we have by strange paradox put ourselves in the position where we can never get rid of them. The men that shouted loudest for the League of Nations and urged the importance of acting in harmony with our late allies, so soon as it became obvious that political capital was to be made out of the situation executed a complete face about and preached an entirely different philosophy. For instance, the honorable gentleman who was among the most distinguished in the fight against the treaty and the League of Nations delivered a speech on December 21, 1918, in which he said:

To attempt in any way to separate us from our allies now or to prevent perfect unity of action is as harmful as such efforts were when we were fighting in northern France and on the plains of Flanders.

He also said:

If peace with Germany is to be durable, terms must be exacted which will make it, so far as human foresight goes, impossible for Germany to break out upon the world with a war of conquest.

Yet this gentleman is willing to sponsor a resolution declaring a state of peace with Germany in which no terms whatever are exacted and no guaranties required.

But he was even more insistent than that. He said:

The peace must not only be made and agreed to, but it must be effective, and to render it effective there is much more to be done than can be done by ink and paper. Nothing can be accomplished unless we work in complete harmony with those who are associated with us in the war against the Central Powers.

"There is much more to be done than can be done by ink and paper." Yes; indeed! And it might be added, much more than can be done by the passage of this resolution. But swallowing one's own words seems to present no insuperable difficulty to the gentlemen who are striving so hard to make political capital for the presidential campaign out of the treaty situation. I do not complain about their individual change of front. That is their right. But, Mr. Speaker, they fly in the face of all of the traditions of their own party. The principle of arbitration in international disputes had its birth within the folds of the Republican Party. It was nurtured and brought to fruition under its ablest leaders. No one would ever charge Gen. Grant with sacrificing the interest of his country by entering into an international engagement to submit our disputes to a disinterested court, and yet to him must be given the credit for inaugurating the principle of arbitration in international disputes. When he put through his plan for the Geneva arbitration he was maligned and ridiculed and charged with departing from the ways established by the founders of our Republic. Yet to-day his principal claim for statesmanship is founded upon his humanitarian efforts to avert war and settle international disputes by arbitration. In an address at Birmingham during his trip around the world he said:

Nothing would afford me greater happiness than to know that, as I believe will be the case at some future day, the nations of the earth will agree upon some sort of congress which will take cognizance of international questions of difficulty, and whose decisions will be as binding as the decisions of our Supreme Court are upon us. It is a dream of mine that some such solution may be.

From this prophecy, and from this gentle, kindly philosophy, the leaders of the Republican Party turn to-day to advocate the doctrines of Chinese exclusiveness. After exertions and sacrifices unparalleled in our history, they want us to declare peace and detach ourselves from our late associates in the World War without a modicum of effort to exact guaranties upon the issues for which we went to war. This, in my opinion, is the acme of folly. As matters stand to-day, the League of Nations is in existence. It is ratified by 28 powers of the world, and we stand outside the barriers—thrust into the cold by our own folly. We fought the war practically for the vindication of the right of neutrals to the freedom of the seas. To-day we are neutral; perhaps the only neutral in all the world; and yet there is no suggestion in this resolution that we shall require of our enemies any recognition of that principle for which we went to war.

Shocking as it may seem, paradoxical as it may seem, this resolution not only waives our national claims against Germany and Austria but plays us directly into England's hands. We have left her in complete mastery of the world situation. We have run away from our responsibilities and are leaving the British diplomats in complete, unquestioned, and secure control of the council of the League of Nations.

From the murmurs and questionings I hear on every side I think I can perceive a very pronounced turn in the tide of public opinion and a very marked sentiment of fear aroused that, in our desire to keep aloof from international affairs, we have scuttled so hastily out of our entanglements that we have refused all the power and all the influence which we ought of right to have wielded and committed it into the hands of the very nation for fear of which we hesitated to assume our just burdens in the world affairs. The British Empire now dominates the League of Nations and can, if the occasion demands, align the nations associated with it in the League of Nations against us. This I take it is a result far beyond the expectations of those who clamored loudest for our isolation.

Even on the Irish question the sentiment is growing and a profound conviction is settling on the minds of those most solicitous for Ireland's welfare that her future would be happier and her prospects brighter if the powerful influence of the United States were present at the council of the League of Nations to take up her cause and present her just claims to the nations of the world.

We bemoan the fate of Shantung. We deplore the conduct of England toward Egypt and India and Ireland. Yet what have we done to ameliorate their condition? We have resolutions in committee, but the silence of the tomb has crept over them. Upon these urgent matters no action is taken, and when action is taken they will have no more influence upon the powers now controlling the League of Nations than a scrap of paper blown in through the window by a puff of wind. Gentlemen, do not deceive yourselves. You can not pretend loyalty and sympathy and make political capital out of preambles and resolutions. Your whole course in this session has been one continual succession of artifices to alienate the sympathy of the people of the United States, in all its subdivisions, from the administra-

tion that conducted the greatest war in history to a successful and victorious conclusion. You have been in command of the legislative situation here for 15 months and you have done nothing except what was prompted by a keen yet uncanny solicitude for the presidential election. By this resolution you hope to propitiate the Germans; but your prewar history, as exhibited by the records of Congress and in your efforts to goad the administration into war before the occasion for war arose, belie your present protestations.

You know that the people of the United States are, as the gentleman from Ohio [Mr. LONGWORTH] has said, suffering from war bureaus and war conditions that are past all patience. True, so they are. If that is so, why do you not offer or act on the bills now in this House to repeal the war-time legislation? [Applause.] You will have our support without question in any serious effort that you may make to repeal these burdensome laws, but you have done absolutely nothing. Yet you think you can deceive the people of America by pretending that you are going to bring about peace by a mere resolution. You can make war by a resolution declaring war, but, gentlemen, you know very well that you can not make peace by rescinding that resolution. [Applause.]

Mr. PORTER. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER. The gentleman from Pennsylvania has used 16 minutes and the gentleman from Virginia [Mr. FLOOD] has used 14 minutes.

Mr. PORTER. Mr. Speaker, I yield three minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON of Minnesota. Mr. Speaker, 6 weeks ago and 17 months after the signing of the armistice found the allied and associated powers, with one exception, at peace with Germany and the world. That exception was the United States. The President and the Senate, charged with joint responsibility in the making of treaties, were deadlocked. They could not agree. The President was still insisting upon the League of Nations as he wrote it. A majority of the Senate, carrying out the sentiment of a great majority of the American people, were insisting that if it was to be ratified at all it must first be Americanized by appropriate reservations. During all of this time the President continued to enjoy and exercise the extraordinary war powers that a willing people had conferred upon him for war purposes. He relinquished none. With the coming of peace the American people expected, and had a right to expect, a relinquishment of those powers by the President. The President thought differently. Finally, the people turned to Congress. Six weeks ago this House passed a peace resolution declaring the war at an end and repealing the war-time powers of the President and removing their burdensome restrictions.

You, my Democratic friends—or, rather, most of you—opposed this resolution. You claimed it was unconstitutional; that the Congress had no power to declare the war at an end. Did you really want to serve the country by ending the deadlock and ushering in peace? Were you in earnest in urging these constitutional objections? No. The debate here to-day proves it. In the preceding debate you admitted that Congress had the power to repeal the declaration of war and thereby end the war. We passed our resolution in spite of your objections and it was sent over to the Senate. The Senate adopted a peace resolution which is similar in substance but different in form. As for me, I am interested in the substance of this legislation. With vital questions at stake I am not inclined to quibble about matters of form. [Applause.] Neither are the people. They want results.

What does this Senate resolution do? Although there was nothing to your argument about the unconstitutionality of the House resolution, your objections in this connection are squarely met by the Senate resolution. It expressly repeals the act declaring war. If you really wanted to end these war-time powers and restrictions which hamper our trade, curtail production, and cause general discontent among our people you would stop your quibbling, forget your partisanship and the advice of one individual, and accept this resolution. Your specious pleading will not fool the people. With peace in Europe for our allies and associates, the people are demanding peace in America. The way is open and before us. Those who vote against it must be prepared to take the consequences they deserve.

SEVERAL MEMBERS. We will.

Mr. PORTER. Can the gentleman from Virginia use some of his time now?

Mr. FLOOD. How many more speeches is the gentleman going to have?

Mr. PORTER. Two.

Mr. FLOOD. I will be glad if the gentleman will have one more speech on that side before we go on.

Mr. PORTER. I yield five minutes to the gentleman from Ohio [Mr. FESS]. [Applause.]

Mr. FESS. Mr. Speaker and Members of the House, there has been some controversy over the merits of the two proposals by the two Houses. Speaking personally, I would have preferred that the Senate accept the House resolution. I thought it was a strong statement of our purpose. However, as was said by the chairman of the Committee on Foreign Affairs [Mr. PORTER], time is of the essence here. Everywhere we are told that the attenuated situation in the world, without anything definite stated as to the close of the war, has kept things in an unsettled state, which can not be relieved until war is technically ended.

Our purpose is to end the war, technically as it is actually, and I am not so much concerned about the particular form of the resolution, and I do not think either House should feel a pride of opinion as to which particular House initiated it. What we are concerned about is to bring peace to the world. [Applause.] Our concern—and it ought to be the concern of the Democratic Members as much as it is of the Republican Members—is to end this intolerable situation of a war actually ended but technically continuing, a situation in which our country finds itself through the willful determination of only one man, who is the one obstacle that stands in the way of peace. [Applause.] If men would say in public what they say privately, there would not be a dissentient voice from that statement nor a single vote against this resolution.

Our concern is also on this war-time legislation. Our concern is to take away the war powers placed in the hands of the President for war purposes and return to peace legislation. War legislation still exists while technically war is not present. Everyone knows that the war is actually ended, but because it will not end upon the terms of a surrender of American sovereignty and independence preserved by the determination of the Senate, because it will not end technically except on that ground, we propose here to end it not only actually but technically and at the same time preserve American sovereignty and independence. [Applause on the Republican side.]

It is not the Republicans alone who want it; the Democrats want it as much as the Republicans, but they are in an embarrassing situation by being compelled to resist the position of the head of the party. Some of them have done it. Many more will do it. They did it in this House; they did it in the Senate; they did it in Georgia; they did it in Nebraska, in Minnesota, in Michigan, in Washington, in Idaho, in Wisconsin, the Dakotas; and they did it in nearly every State that has spoken, including Rhode Island and Massachusetts. Standing for peace, they will not allow one man because of his willful determination to continue war powers and embarrass the situation to the extent of refusing to make peace unless they can make it on the basis of the surrender of the sovereignty of the Nation and of its independence. The events in Europe speak loudly upon the wisdom of this flood of public protest in the country. Gentlemen, the thing to do is to pass this resolution now and end the war. [Applause.]

Mr. PORTER. Mr. Speaker, I yield the remainder of my time to the gentleman from Illinois [Mr. MASON]. [Applause on the Republican side.]

The SPEAKER. The gentleman from Illinois is recognized for six minutes.

Mr. MASON. Mr. Speaker, referring briefly to my good friend from Texas, Mr. CONNALLY—and he knows with what sincerity I say "my good friend"—I was struck by his proposition that we had yielded to the Senate. All legislation comes by consultation and compromise. I thought the better resolution was simply a declaration of peace with all the world. That resolution I introduced eight months ago. I yielded my judgment to better lawyers upon our committee and accepted the resolution. I stood for it when it passed the House. Realizing, however, that there have been some changes in matter of form but not in substance in the Senate resolution, I am very glad to give my vote in concurrence.

I was surprised and hurt when my friend from Texas [Mr. CONNALLY] called attention to the shocking fact that we had yielded our judgment in some matters of form to the Senate of the United States, which is the body having most to do with matters international, and I want to say to him that I am proud to be a member of a party that numbers among its membership men who are willing to do such a thing. I would much rather yield my judgment to a majority of Senators elected by the people of this country from a majority of the States of the Union than yield my judgment and my vote, as you have been doing, to one sick man at the other end of the Avenue. [Applause on the Republican side.]

Day after day, and you know it—perhaps it is political sense and political wisdom—the Democratic side of the House in the last Congress and in this has been the most subservient of any Congress that ever served in waiting for the White House to take snuff before you would condescend to sneeze. You have an idea that it is your duty. I am not complaining of you, but I beg of you not to complain of me or my party when we, anxious for peace, anxious to answer the cry of a hundred million people to give us peace, meet on common ground with Senators, agree to their suggestions, and carry out what the people of the country want—a declaration by the war-making power that we are at peace.

The gentleman from Texas [Mr. CONNALLY] says, "What will our allies say?" We have no allies. Get away from that doctrine. It came to you every hour from the White House. If you have read the armistice, you know that we have no allies. We were simply associated in that war. I will tell you, however, what they will say. They have horned us out of business in Germany. England established her commercial branch in Berlin in 10 days after the armistice was signed. If now, as an American merchant, you want to buy from Germany, you have to get a Frenchman or an Englishman to buy for you. That is what they are saying to us. They are saying to us, "Keep out of peace"—and they will horn out Uncle Sam—"give us the business, keep yourselves in a state of war, and we will get the business not only of Russia but of Germany."

Mr. FLOOD rose.

Mr. MASON. I can not yield in five minutes. That is what the Allies are saying. Ah, but one gentleman says, "Why have we not passed some laws?" This is the law that repeals the war laws. [Applause on the Republican side.] This is what you wanted. Ninety-five per cent of the war legislation ends with war. Ninety-five per cent of the legislation, the drastic legislation under which your President to-day is arresting men because they quit work, ends with the declaration of peace. We waited for the President and the Senate for a long year and a quarter to make a treaty of peace. We have now reached the time when we are going to repeal those laws; and, believe me, the Supreme Court of the United States will say that every one of those laws ended by the declaration of peace by the Congress of the United States. [Applause on the Republican side.]

The gentleman says that by accepting this amendment we admit that there is some limitation to congressional power. I wish to God the President had some such idea with regard to limitation of Executive power. There is a limitation of our power, it is quite true. You can not negotiate a treaty of peace, and neither can he make a treaty of peace unless it is ratified by the Senate. There is a limitation of power. I am glad for my party, if they have ever been guilty of forgetting the limitations of legislative and executive power, that we have come back to the old lines of Americanism where, as plain American Congressmen, we admit there is some limitation to legislative power. I wish the President had been born with that idea. If he had any idea of the limitation of Executive power, he never would have sent our troops into Siberia and northern Russia, there to fight his personal war for the collection of the debts of the people of ancient Russia to the bankers of France and Great Britain. If he had any idea of the limitation of Executive power, he would not keep the people of the United States to-day, the women and children, paying taxes on their shoes and stockings in order to maintain 15,000 men in Germany, after the treaty of peace has been rejected. We have no more business with our troops in Germany than we would have with them in Great Britain. He had the right to send them there after the signing of the armistice; he had the right to keep them there after the signing of the ancillary convention in June, 1919, a year after the armistice was signed. Now, when the treaty failed of ratification that power ceased. He has absolutely no idea of the limitation of the Executive power we conceded to him during the war. He now seeks by the control of his party organization to whip you into line—and you know it—to carry out his personal and selfish desire to continue in his hands the power he had during the war. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. PORTER. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the Senate amendments.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. LONGWORTH. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 228, nays 139, answered "present" 1, not voting 59, as follows:

YEAS—228.

| | | | |
|-----------------|------------------|-------------------|----------------|
| Ackerman | Focht | Lampert | Ricketts |
| Anderson | Fordney | Layton | Riddick |
| Andrews, Md. | Foster | Lehbach | Robison, Ky. |
| Andrews, Nebr. | Frear | Little | Rodenberg |
| Anthony | Freeman | Longworth | Rogers |
| Ashbrook | French | Luce | Rowe |
| Bacharach | Fuller, Ill. | Lufkin | Sanders, Ind. |
| Baer | Gallivan | Luhning | Sanders, N. Y. |
| Barbour | Ganly | McArthur | Sanford |
| Begg | Garland | McCulloch | Schall |
| Benham | Glynn | McFadden | Scott |
| Bland, Ind. | Goldfogle | McKenzie | Sells |
| Boles | Good | McKiniry | Shreve |
| Bowers | Goodall | McKinley | Sinclair |
| Britten | Goodykoontz | McLane | Sinnott |
| Brooks, Ill. | Gould | McLaughlin, Mich. | Slemp |
| Brooks, Pa. | Graham, Ill. | McLaughlin, Nebr. | Smith, Idaho |
| Browne | Green, Iowa | MacCrate | Smith, Ill. |
| Burdick | Greene, Mass. | MacGregor | Smith, Mich. |
| Burke | Greene, Vt. | Madden | Snell |
| Burroughs | Griest | Magee | Stephens, Ohio |
| Butler | Hadley | Maher | Stiness |
| Caldwell | Hamill | Mann, Ill. | Strong, Kans. |
| Campbell, Kans. | Hamilton | Mapes | Sullivan |
| Cannon | Hardy, Colo. | Mason | Summers, Wash. |
| Carew | Harrell | Mead | Sweet |
| Chindblom | Haugen | Michener | Swope |
| Christopherson | Hawley | Miller | Tague |
| Classon | Hays | Monahan, Wis. | Taylor, Tenn. |
| Cooper | Hersey | Mondell | Temple |
| Copley | Hickey | Moore, Ohio | Thompson |
| Crago | Hicks | Moore, Ind. | Tilson |
| Cramton | Hill | Morgan | Timberlake |
| Crowther | Houghton | Mott | Tincher |
| Cullen | Huddleston | Mudd | Tinkham |
| Currie, Mich. | Hull, Iowa | Murphy | Towner |
| Dale | Husted | Nelson, Wis. | Treadway |
| Dallinger | Hutchinson | Newton, Minn. | Valle |
| Darrow | Ireland | Newton, Mo. | Vare |
| Davis, Minn. | James | Nolan | Vestal |
| Dempsey | Jeffers | O'Connell | Voigt |
| Denison | Johnson, S. Dak. | Ogden | Walsh |
| Dickinson, Iowa | Johnson, Wash. | Olney | Walters |
| Doelling | Juhl | Osborne | Wason |
| Dowell | Kahn | Paige | Watson |
| Dunbar | Kearns | Parker | Webster |
| Dunn | Keller | Peters | Wheeler |
| Dyer | Kelly, Pa. | Porter | White, Kans. |
| Echols | Kendall | Purnell | White, Me. |
| Edmonds | Kennedy, Iowa | Radcliffe | Williams |
| Elliott | Kennedy, R. I. | Ramsey | Wilson, Ill. |
| Emerson | Kiess | Ramseyer | Winslow |
| Esch | King | Randall, Wis. | Wood, Ind. |
| Evans, Nebr. | Kinkaid | Reavis | Woodyard |
| Evans, Nev. | Klecka | Reber | Yates |
| Fairfield | Knutson | Reed, N. Y. | Young, N. Dak. |
| Fess | Kraus | Reed, W. Va. | Zihlman |

NAYS—130.

| | | | |
|----------------|-----------------|----------------|-----------------|
| Almon | Doremus | Lazaro | Raker |
| Aswell | Doughton | Lea, Calif. | Rayburn |
| Ayres | Dupré | Lee, Ga. | Riordan |
| Bakka | Eagan | Linthicum | Robinson, N. C. |
| Bankhead | Eagle | Loneragan | Romjue |
| Barkley | Ferris | McAndrews | Rouse |
| Bee | Fields | McClintic | Rowan |
| Bell | Fisher | McDuffie | Rubey |
| Benson | Flood | McGlennon | Rucker |
| Black | Fuller, Mass. | McKeown | Sanders, La. |
| Bland, Mo. | Gallagher | Major | Sims |
| Bland, Va. | Gandy | Mann, S. C. | Sisson |
| Blanton | Gard | Mansfield | Smith, N. Y. |
| Box | Garner | Martin | Steagall |
| Briggs | Garrett | Mays | Stegman |
| Buchanan | Goodwin, Ark. | Milligan | Stephens, Miss. |
| Byrnes, S. C. | Griffin | Minahan, N. J. | Stoll |
| Byrns, Tenn. | Hardy, Tex. | Moon | Summers, Tex. |
| Campbell, Pa. | Heftin | Mooney | Taylor, Ark. |
| Candler | Hersman | Moore, Va. | Taylor, Colo. |
| Cantrill | Hoey | Nelson, Mo. | Upshaw |
| Carrs | Holland | Nicholls | Venable |
| Casey | Hudspeth | Oldfield | Vinson |
| Clark, Mo. | Humphreys | Oliver | Watkins |
| Cleary | Igoe | Padgett | Weaver |
| Coady | Jacoway | Park | Welling |
| Collier | Johnson, Ky. | Parrish | Welty |
| Connally | Johnson, Miss. | Pell | Whaley |
| Crisp | Johnston, N. Y. | Phelan | Wilson, La. |
| Davey | Jones, Tex. | Pou | Wingo |
| Davis, Tenn. | Kelley, Mich. | Quin | Wise |
| Dewalt | Kincheloe | Rainey, Ala. | Woods, Va. |
| Dickinson, Mo. | Lanham | Rainey, H. T. | Wright |
| Donovan | Larsen | Rainey, J. W. | Young, Tex. |

ANSWERED "PRESENT"—1.

Langley

NOT VOTING—58.

| | | | |
|---------------|---------------|------------|-----------------|
| Blackmon | Dent | Hastings | Lankford |
| Boohar | Dominick | Hayden | Leshar |
| Brinson | Drane | Hernandez | McPherson |
| Brumbaugh | Drewry | Hoch | Merritt |
| Caraway | Ellsworth | Howard | Montague |
| Carter | Elston | Hulings | Morin |
| Clark, Fla. | Evans, Mont. | Jones, Pa. | O'Connor |
| Cole | Godwin, N. C. | Kettner | Overstreet |
| Costello | Graham, Pa. | Kitchin | Platt |
| Curry, Calif. | Harrison | Kreider | Randall, Calif. |

Rhodes
Rose
Sabath
Scully
Sears

Sherwood
Siegel
Small
Smithwick
Snyder

Steele
Steenerson
Stevenson
Strong, Pa.
Tillman

Volstead
Ward
Wilson, Pa.

So the Senate amendments were concurred in.

The Clerk announced the following pairs:

On this vote:

Mr. RHODES (for) with Mr. TILLMAN (against).

Mr. SIEGEL (for) with Mr. DREWRY (against).

Mr. CURRY of California (for) with Mr. HOWARD (against).

Mr. HOCH (for) with Mr. SCULLY (against).

Mr. MORIN (for) with Mr. MONTAGUE (against).

Mr. GRAHAM of Pennsylvania (for) with Mr. STEELE (against).

Mr. LANGLEY (for) with Mr. CLARK of Florida (against).

Mr. STRONG of Pennsylvania (for) with Mr. HARRISON (against).

Mr. WARD (for) with Mr. SABATH (against).

General pairs:

Mr. SNYDER with Mr. CARTER.

Mr. COLE with Mr. HAYDEN.

Mr. HERNANDEZ with Mr. HASTINGS.

Mr. ELSTON with Mr. DRANE.

Mr. VOLSTEAD with Mr. GODWIN of North Carolina.

Mr. STEENERSON with Mr. OVERSTREET.

Mr. MERRITT with Mr. LESHER.

Mr. ELLSWORTH with Mr. O'CONNOR.

Mr. JONES of Pennsylvania with Mr. SMALL.

Mr. HULINGS with Mr. DOMINICK.

Mr. COSTELLO with Mr. BLACKMON.

Mr. MCPHERSON with Mr. BRUMBAUGH.

Mr. PLATT with Mr. KITCHIN.

Mr. KREIDER with Mr. BRINSON.

Mr. ROSE with Mr. STEVENSON.

Mr. LANGLEY. Mr. Speaker, I voted "aye" on this roll call. I have a general pair with the gentleman from Florida, Mr. CLARK, who is absent, and I desire to withdraw my vote and answer "present."

The name of Mr. LANGLEY was called, and he answered "Present."

Mr. TINCHER. Mr. Speaker, my colleague, Mr. HOCH, is sick at home and can not attend and desires me to say that if present he would vote "aye."

The result of the vote was announced as above recorded.

On motion of Mr. PORTER, a motion to reconsider the vote by which the Senate amendments were concurred in was laid on the table.

WEST POINT MILITARY ACADEMY.

Mr. KAHN and Mr. LANGLEY rose.

The SPEAKER. The gentleman from California [Mr. KAHN] is recognized.

Mr. KAHN. Mr. Speaker, I ask unanimous consent to insert in the RECORD a letter from the Secretary of War regarding a West Point matter which was discussed in the newspapers recently.

The SPEAKER. The gentleman from California asks unanimous consent to insert in the RECORD a letter from the Secretary of War relative to West Point. Is there objection? [After a pause.] The Chair hears none.

The following is the letter referred to:

WAR DEPARTMENT,
Washington, May 17, 1920.

HON. JULIUS KAHN,
Chairman Committee on Military Affairs,
House of Representatives.

MY DEAR MR. KAHN: I have received your letter of May 13 with regard to House resolution 551, introduced by the Hon. FRED A. BRITTON, requesting that certain information be furnished to the House of Representatives.

The resolution recites certain statements attributed to Hon. Charles W. Eliot, president emeritus of Harvard University, which statements are said to have been made in an address before the Harvard Teachers' Association as well as in a letter to Brig. Gen. John W. Ruckman, commander of the North Atlantic Coast Artillery district.

I have not had any opportunity to see President Eliot's address before the Harvard Teachers' Association, nor have I as yet seen any letter from President Eliot to Gen. Ruckman or from Gen. Ruckman to President Eliot. The statements attributed to President Eliot, however, seem quite definite, and, for the information of the Committee on Military Affairs, I beg leave to recite the criticisms with certain corrective data and comments. Needless to say, the Military Academy at West Point is an institution of supreme national importance. If these criticisms or any other serious reflection upon its efficiency can be sustained, it is the joint duty of the Congress and the Secretary of War patiently and thoroughly to bring about all changes necessary to adapt the institution to its high public purpose.

I undertake to state separately the criticisms attributed to President Eliot.

1. "No American school or college intended for youths between 18 and 20 years of age should accept such ill-prepared material as West Point accepts."

Admission to West Point is extended to youths designated by Senators and Members of the House of Representatives under an apportionment plan. A certain number of appointments are at the disposal of the President, and these have for many years been restricted by Presidents to applicants who are the sons of Regular Army and Navy officers, for the reason that such boys have no fixed residence and are therefore not eligible to appointment by Senators or Representatives, whose appointees must, in the one case, be actual residents of the State, and, in the other, actual residents of the congressional district from which they are appointed.

For many years both Senators and Members of the House of Representatives have relied upon competitive examinations among the various boys desiring appointment to a vacancy. This practice is not universal but common. The result is that the candidates presenting themselves for admission to West Point are a cross section of the educated youth of the country; not, it is true, of any one district or section in which the educational facilities may be deemed especially excellent, but of the entire country; not often the sons of the rich, whose opportunities for special training are peculiar, but rather the talented sons of people of moderate circumstances, to whom education at the expense of the Government is an opportunity not otherwise obtainable, and to whom the rewards of Army service, though modest, are acceptable.

For more than 30 years I have been observing appointments to West Point. I have never known a school in which a dull boy was even permitted to try for the academy. On the contrary, in every school with which I have any acquaintance, unusually talented boys are selected by their masters as being probably able to get into West Point and to complete its course, and I think it may be fair to say that generally throughout the country secondary schools regard it as a distinction to have their graduates succeed in making West Point and being graduated by it.

The boys who seek these appointments, almost without exception, present to their Congressmen letters from their teachers setting forth their superior scholarship, and Congressmen are loath to appoint boys who may fail, both for the sake of the boys and for the good name of the educational facilities of their districts, in which they and their constituents have a deep interest.

When, however, by this process boys are appointed to the academy, they are received only upon presenting a certificate of successful graduation from an accredited high school, secondary school, or by attendance in regular standing at a recognized college or university, or by passing an entrance examination, under Army supervision, or presenting a certificate of examination by the College Entrance Examining Board, as to all of which the standard 14 points of credit are required. These requirements are rigidly enforced by an academic board which is, by statute, independent of political control. Even the Secretary of War may not overrule the academic board, and while I have frequently heard criticism and complaint of the board, it has always been against the rigidity with which it adheres to a high academic standard. Certainly, since I have been officially connected with the War Department I have never heard from any quarter a suggestion that the board abated or moderated its requirements out of any consideration of personal favor, athletic eligibility, official or social prominence, or indeed any other reason.

From 1838 to 1915 the total number of candidates who have presented themselves for admission to West Point has been 17,919. Of these 8,352 have been admitted. Of the residue 4,220 were rejected for admission by the academic board; 2,746 failed to report; 921 were rejected by the medical board; 573 were rejected by the joint action of the academic board and the medical board; 698 passed, for whom no vacancies existed; 198 failed to complete the examination; 188 declined appointments after completing the examination, and 53 appointments were canceled.

It thus appears that the process of selection is countrywide; that the requirements, from a purely academic standpoint, are adequately high, and that the standards are rigidly enforced.

If the comment of President Eliot be based upon a belief that college entrance examinations in this country have blighted the usefulness of secondary schools by making ability to pass into college the objective, rather than the education of the pupils who attend secondary schools, I, of course, agree with him. While I think the evil is lessening, I still think that vast numbers of young men and women have in the past gotten out of high school only ability to pass into a college which they never expect to attend, rather than the degree of culture which the high school could have given had that been its main objective.

But taking American secondary education as it is, for rich and poor, in the city and in the country, East and West, I am persuaded that no college drawing its students from a wide geographical area compares with West Point in the quality of the material which it receives, and if more uniform excellence could be obtained by sectional or class selection, surely the exchange would be a bad one for the national constituency which the academy has always had.

2. "No school or college should have a completely prescribed curriculum."

I would not attach any value to any opinion I might express in the controversy between the prescribed curriculum and the free elective system of collegiate education. I am told by educators that the tendency is somewhat away from the degree of freedom at one time permitted in our greatest colleges, and that somewhat more supervision is being retained over students' election with a view to according recognition to special capacities but still requiring a balanced, if special, education at the end. Without entering that discussion, however, I venture to point out that it can not be conceded that West Point has a fixed, inelastic, and unchanging curriculum. In 1917 I appointed a board to examine the curriculum at the academy, recognizing that the relation of military art to science was constantly changing, and that the requirements of military men, both in their military and civil relations, were modified with every real change in scientific knowledge or social organization. The chairman of this board was Maj. Gen. Tasker H. Bliss, himself a West Point man, it is true, and a veteran soldier, but limited by no military traditions in the originality, fertility, and freedom of his intellect; a broadly cultured and scholarly man. America's entrance into the World War interrupted the immediate modification of the course and required an intensive devotion on the part of the academy to the rapid training of an increased number of officers. But the Bliss board was only one in a continuing series of investigations and inquiries, and since the termination of hostilities modifications have been made, and are being made with the object of adapting the instruction at the academy to the demands which this war has shown will be made upon military men, and to bring the spirit of the academy into the fullest harmony with the spirit of the country toward the Army, and, I may say, a most handsome and democratic spirit, as shown by our recent experience.

After all, West Point is a special school, as is the Naval Academy at Annapolis, as is any school of mines, or of chemistry, or of languages. This does not justify the turning out of soldiers, or mining engineers, or chemists, who know nothing else; but it does justify a course of instruction which emphasizes the specialty, while it produces an educated man. The purpose of West Point, therefore, is not to act as a glorified drill sergeant, but to lay a foundation upon which a career of growth in military knowledge can be based, and to accompany it with two indispensable additions; first, such a general training as educated men find necessary for intelligent intercourse with one another, and second, the inculcation of a set of virtues admirable always, but indispensable in the soldier. Men may be inexact, or even untruthful, in ordinary matters, and suffer as a consequence only the disesteem of their associates, or the inconveniences of unfavorable litigation, but the inexact or untruthful soldier trifles with the lives of his fellow men, and the honor of his Government, and it is, therefore, no matter of idle pride, but rather of stern disciplinary necessity that makes West Point require of her students a character for trustworthiness which knows no evasions.

I ought to point out that West Point is but the beginning of education in the Army. In each of the services there are continuation schools of growing breadth and usefulness, and the plan toward which Army education is tending will more and more seek only the fundamentals, both of education and character, at West Point, and look more and more to the special schools for the technical, scientific completion. This, I believe, is in harmony with the relation between the modern college and university, and it is already far advanced in practice. How much further it can go without sacrificing the necessary special or military training at West Point it is impossible to say, but military science is a varied and intricate body of learning, relating itself to all the sciences which deal with material things, and coupling them up with the subtler bodies of knowledge which control the actions of men singly and in the mass.

Army education, therefore, like the purpose for which armies are made, must concentrate on its objective, and however wide a field it covers, and however many elements it must comprehend, it can not be diffuse in its result.

A perfectly practical test can be challenged, I think, without fear by West Point. Its graduates will bear themselves as well in a mixed company of educated men as any other similar group from any other college in expression, comprehension, and that cultured restraint which characterizes the intercourse of educated men.

Another test may be appealed to with confidence. During the first hundred years (1802-1902) of its existence, 2,371 graduates of West Point left the Army to go into civil life. The occupations of these graduates are shown in the following table:

| | |
|--|-----|
| President of the United States | 1 |
| President of the Confederate States | 1 |
| Presidential candidates | 3 |
| Vice presidential candidates | 2 |
| Members of the Cabinet of the United States | 4 |
| Ambassadors | 1 |
| Ministers of the United States to foreign countries | 14 |
| Charge d'affaires of the United States to foreign countries | 2 |
| United States consul generals and consuls | 12 |
| Members of Congress | 24 |
| United States civil officers of various kinds | 171 |
| Presidential electors | 8 |
| Governors of States and Territories | 16 |
| Bishops | 1 |
| Lieutenant governors | 2 |
| Judges | 14 |
| Members of State legislatures | 77 |
| Presiding officers of State senates and houses of representatives | 8 |
| Members of conventions for the formation of State constitutions | 13 |
| State officers of various grades | 51 |
| Adjutants, inspectors, and quartermaster generals, and chief engineers of States and Territories | 28 |
| Officers of State militia | 158 |
| Mayors of cities | 17 |
| City officers | 57 |
| Presidents of universities, colleges, etc. | 46 |
| Principals of academies and schools | 32 |
| Regents and chancellors of educational institutions | 14 |
| Professors and teachers | 136 |
| Superintendent of Coast Survey | 1 |
| Surveyors general of States and Territories | 11 |
| Chief engineers of States | 14 |
| Presidents of railroads and other corporations | 87 |
| Chief engineers of railroads and other public works | 63 |
| Superintendents of railroads and other public works | 62 |
| Treasurers and receivers of railroads and other corporations | 24 |
| Civil engineers | 228 |
| Electrical engineers | 5 |
| Attorneys and counselors at law | 200 |
| Superior general of clerical order | 1 |
| Clergymen | 20 |
| Physicians | 14 |
| Merchants | 122 |
| Manufacturers | 77 |
| Artists | 3 |
| Architects | 7 |
| Farmers and planters | 230 |
| Bankers | 18 |
| Bank presidents | 8 |
| Bank officers | 23 |
| Editors | 30 |
| Authors | 179 |

Not all of the foregoing occupations are significant of intellectual supremacy or necessarily superior training, but the list is one which could not have been made by a college with an inadequate or archaic system of education. These men have stepped out of West Point into civil life and qualified in large numbers for positions from the very highest within the gift of the people, in all walks of life; a list quite too large and imposing to represent the triumph of talent over obstruction.

3. "No school or college should have its teaching done almost exclusively by recent graduates of the same school or college who are not teachers and who serve short terms."

The special character of the education which West Point must give limits the field of selection of its teachers, but two observations can be made with regard to this criticism:

First. It is a very common practice among educational institutions of all grades and kinds in this country. Successful students are singled out and made instructors in our colleges and universities generally, and for very excellent reasons. Their loyalty to their alma mater makes them desire the distinction of being on her teaching staff; their talents have been under actual observation, and they are chosen on the basis of knowledge rather than reputation; they know the institution, its ideals, and its traditions, and they can be relied upon to maintain and improve the things which have been to them an inspiration.

And, second, there is much more permanency in the academic staff at West Point than is at all commonly supposed. Of the 12 heads of departments, 7 are permanent and 5 are detailed for periods of four years. Assistant professors are detailed from officers of the Army having had previous experience as instructors; instructors are detailed for periods of four years. Hence, a man does not become an assistant professor who has not had actual, successful teaching experience as an instructor; similarly men are not detailed as instructors immediately upon graduation, but must normally serve at least four years as officers before being considered as eligible to return to the academy. Under the Army system of education alluded to above, this means further study in higher schools and actual experience in the field in the application of that knowledge.

Two of the 12 department heads are nongraduates of the institution; some of the instructors are nongraduates. The whole system of instruction is under the direct, personal, and daily supervision of the department heads; classes are divided into sections, which are in turn supervised by the head of the department, and the number of instructors at the academy is in the ratio of 1 to each 6 cadets.

Whether or not it would be wise to bring in more nongraduates as instructors may be open to question, but it can not be fairly said of the academy that its teaching is done by recent graduates, or, to any large extent, by men who are not teachers, or by men who serve short terms.

4. "The graduates of West Point during the World War, both in the field and in business offices, did not escape, with few exceptions, from the methods which they had been taught and drilled in during peace. The methods of fighting were, in the main, new and the methods of supply and account ought to have been new. The red-tape methods prescribed to the American Regular Army officers of passing the buck were very mischievous all through the actual fighting and remain a serious impediment to the efficiency of the War Department to this day."

Nothing short of omniscience can analyze the intricate, multiplied, and scattered activities of the War Department during the recent war at home and in the field, give just weight to the circumstances surrounding these activities, and apportion either the credit for success or the blame for mistake as between the persons engaged in those activities. The handful of West Point graduates, the larger handful of Regular Army officers drawn from civil life, reserve officers, officers of the National Guard, and the vastly larger body of officers hastily instructed in officers' training camps altogether comprised approximately 205,000 men, of whom the West Point graduates numbered 3,081. In the performance of their work these officers were aided by an immense body of civilians—captains of industry, masters of business; scientific, technical, commercial, industrial, and all other kinds of experts worked side by side. A substantial part of the purely military business of the Army was thus done by men fresh from civil life, while the business questions of Army supply—from the mining of ore and the raising of sheep to the bullet in the soldier's belt and the coat on his back—were subdivided into great departments, supervised by the most expert men in those subjects in the civil life of the country. Any enumeration of names, even of the most distinguished men of business who cooperated, either as appointees or "dollar-a-year" men or as volunteers in the reorganization of the Nation's industrial facilities around the Army, is unnecessary, for everybody knows them. There was no talent or capacity in this country not available to the Nation's service, and it is equally well known that these talents and capacities were used in places of influence and discretion. It is my settled conviction that the commercial and industrial organization of America during the war was a colossal success; but whether it was or not, the result was not an outcome of the system of education at West Point. The thing done was done by the Nation and all the varied processes by which our citizens are trained contributed.

The business of the Government of the United States and of its great executive departments is necessarily large. It is conducted under a system of statutes, supplemented by regulations, which, as the result of experience, undertake to fix the responsibility for official action to safeguard the Public Treasury and to provide for the orderly dispatch of public business. That this system may be slow at times may be conceded; it is constantly undergoing modification in the direction of simplicity, but considerations of public safety require that these transactions be matters of record and that the person who is responsible for a decision should make the decision. The consequence is that many persons, unfamiliar with the extent of the Government's business, become impatient at delay and characterize as "red tape" obstructions which stand in the way of the immediate dispatch of their business. Those who are familiar with the requirements of the Comptroller of the Treasury and the auditor, those who know what the statutes require and appreciate the sleepless vigilance necessary to protect the Public Treasury against improvident expenditures and unauthorized disbursements, have less sympathy with such a characterization.

In the same way this criticism speaks of a tendency to "pass the buck," which no doubt refers to the experience of those who approach a man in uniform, ask him to decide some question affecting their interests, and are referred by him to somebody else for a decision. The citizen naturally does not understand the distribution of responsibility in a great public department. He finds himself referred from one person to another and is both mystified and irritated. This was more especially true during the war than in ordinary times, and yet the explanation in both instances is simple: There is as to each question a proper person to decide it; to ask the wrong person can have but one or the other of two results, either to be referred to the right person or get an unauthorized answer. In the expansions and reorganizations entailed by the war subdivisions of functions and authority were multiplied, and often men in responsible places, busy about their own concerns, were uncertain as to the allocation of other functions, and consequently not helpful when they tried to refer questioners to others.

The War Department has been under continuous investigation by committees of the Senate and the House of Representatives from the day war was declared. These investigations have not been concerned, for the most part, with the result achieved but rather with the methods used. If so-called "red tape" had been thrown to the winds, shortcuts and direct approaches preferred, prudential considerations aban-

done, and safeguards upon the Public Treasury neglected, it is impossible to say whether the war would have been shortened, but the inquiries of the Congress would have been shortened by the absence of records and of any sort of process by which responsibility could be fixed upon anybody for anything. As it is, as each transaction is inquired into, complete and detailed public records are supplied, and the persons produced who decided all questions upon which action was based. Large recoveries of public money have been effected, just settlements accomplished in thousands of complicated contracts, innocent persons protected against aspersion and calumny, and the public mind permitted to rest on evidence that vast expenditures were honestly made.

The statement to which this comment is addressed alleges that the methods of fighting were, in the main, new. Of course, the exact opposite is the fact. Methods of fighting were, in the main, old, and the success of the American Army lay in the fact that those who were responsible for it required it to be trained in accordance with fundamental military experience and knowledge. It is said that by reason of the tremendous emergency the British Army was for a time able to train its fresh levies only in the new kind of warfare, which grew up out of the trenches. But the final breaking of the lines and overthrow of the Germany Army was accomplished by men who had been taught not merely to hold a trench but to break a line and to maneuver in the open after the line had been broken.

The comment seems to imply a belief, on President Elliot's part, that graduates of West Point have not shown up well in the military history of the United States. It is incredible that he could really entertain this belief. In every war in which the United States has been engaged since the academy was established, its graduates have been conspicuous, alike for heroism and success. The following list is made up of names which illustrate American history. They are graduates of the Military Academy, and they are men whose memory we teach our children to revere:

Indian Wars: Custer, Crooke, Wright, Mackenzie, Cooke, A. S. Johnston, Jefferson Davis, Abercrombie, Casey, McCall, Canby, Rains.

Mexican War: Swift, Sherman, Totten, Bragg, R. E. Lee, McClellan, Beauregard, Huger, Reno, Grant, Jefferson Davis, Early.

Civil War: General officers in Union Army, 294; in Confederate Army, 151: Grant, Sherman, Sheridan, Schofield, Buell, Burnside, Gillmore, Halleck, Hancock, Helntzelman, Hooker, Howard, Humphreys, Kilpatrick, Lyon, Meade, Merritt, McClellan, McDowell, Ord, Pope, Porter, Reynolds, Rosecrans, Slocum, Thomas, Warren, Wright, Beauregard, Bragg, Cooper, Hood, A. S. Johnston, J. E. Johnston, R. E. Lee, Kirby Smith, Anderson, Buckner, Early, Ewell, Hardee, A. P. Hill, D. H. Hill, Holmes, Jackson, S. D. Lee, Longstreet, Pemberton, Polk, A. P. Stewart, Wheeler, Fitz Lee, Lovell, Pickett, J. E. B. Stuart, Van Dorn.

Spanish War: Otis, King, Fitz Lee, Wheeler, Bell, Pershing, Lawton, Barry.

Explorers, builders of railroads, canals, lighthouses, etc.: Swift, Totten, McClellan, Poe, Abbott, Warren, Humphreys, Talcott, Comstock, Bache, Wheeler, Wright, Whistler, Siddell, Porter, Wilson, Greene, Du Pont, Ludlow, Meigs, Griffin, Holden, Black, Goethals, Sibert, Gallard, Casey, Hodges.

Public life: Grant, Polk, McClellan, Hancock, Porter, Buckner, Lee, Longstreet, Du Pont, Briggs.

World War: Pershing, March, Bliss, Bullard, Ligerett, Goethals, Summerall, Jervey, Scott, Graves, Biddle, McAndrew, Black, Richardson, Connor, etc.

Only one other aspect of this particular criticism requires comment. It is plainly suggested that the Regular Army officers, and by inference especially West Point graduates, did not show up well in the business requirements of the war. Again the names of successful administrators in the Army would be too long for enumeration. But the Army's present difficulty is that its officers, having become known to the great business executives of the country who worked with them during the war, are now being eagerly sought for absorption into their enterprises to such an extent that it is difficult for us to retain their services in the Army. About 2,500 officers of the Regular Army have resigned since the armistice to accept invitations in industry and commerce. Most of these have been nongraduates of the Military Academy, upon whom no criticism is made, but the vast and uninspiring task of closing up the business of a great war has fallen upon the shoulders of those who remained, and they are performing it not merely with a willing spirit, but with competence and loyalty to the interests of the Government which are a credit alike to their character and to the training which has made them soldiers.

5. "The Regular Army ought to be abolished as soon as the United States becomes a member of the League of Nations. No nation should be allowed to maintain an army of the kind called regular; that is, an army all of whose officers are men who have embraced for life the profession of soldier."

It will be conceded that if we are to maintain any kind of an Army it ought to be efficient. It will further be conceded by those who know the facts that the essentials of military science can not be adequately conserved for the use of a country by the casual interest of unsystematized volunteer organizations. Some organization seems to be necessary to study, develop, and in time of necessity disseminate those effective principles which protect our own soldiers and citizens and give them maximum efficiency against the enemy. Whether this body be called a Regular Army or not is immaterial. Every humane and enlightened mind sympathizes with the aspiration of Dr. Elliot for the coming of the time when armament can be reduced and armies demobilized. I personally heartily agree with him that the League of Nations is the best hope of the world for the advancing of that time; indeed, I see no other way in which even partial disarmament can be secured except by international concert of opinion and power.

If this criticism, however, is to be taken to imply that a Regular Army in the United States is a menace to free institutions or is provocative of wars of aggression, I frankly challenge its historical truth. I know of no war in which America has been engaged, offensive or defensive, which was brought about by Army pressure or, indeed, stimulated by military desire, nor has there been within my lifetime or within the history of the country, so far as my knowledge of it goes, a time when the Army or Army opinion was in the slightest degree menacing to the liberties of the American people or insubordinate to civil control.

I regret to have trespassed to such an extent upon your time. The Military Academy at West Point has won the admiration of foreign soldiers and statesmen; its graduates have served the Nation in every crisis of war, as they have ornamented the life of the Nation in times of peace. Largely as the result of the war and the experiences engaged in it the whole Regular Army is becoming an educational institution; it is to-day the largest university in the world; more than 100,000 soldiers are being trained vocationally or educated

in the Army, and recruits are flocking to it professedly to take advantage of its educational opportunities. That this opportunity for service to the public life of the country has been sympathetically received and is being energetically applied by the Regular Army officers would seem to be an additional indication of the liberality of mind which pervades the Army as an institution.

House resolution 551, upon which this letter comments, calls upon the Congress to cause an investigation to be made into the situation at the Military Academy. I respectfully call to your attention the fact that the Board of Visitors at the Military Academy, consisting of Members of the Senate and House of Representatives, annually visits the academy and keeps in close touch with its courses of instruction and all of its interests and activities, and I do not believe any further investigation can add anything to the knowledge already in the possession of your committee and of the Congress generally.

Respectfully, yours,

NEWTON D. BAKER,
Secretary of War.

RELIEF OF SNAKE RIVER SETTLERS.

Mr. SINNOTT. Mr. Speaker, I move to take from the Speaker's table the bill H. R. 12626 and agree to the Senate amendment.

The SPEAKER. The gentleman from Oregon asks unanimous consent to take from the Speaker's table a bill which the Clerk will report and agree to the Senate amendment.

The Clerk read as follows:

A bill (H. R. 12626) for the relief of certain persons to whom, or their predecessors, patents were issued to public lands along the Snake River, in the State of Idaho, under an erroneous survey made in 1883.

The SPEAKER. The Clerk will report the Senate amendment.

Mr. BLANTON. A point of order, Mr. Speaker. Unanimous consent has not been granted yet, has it?

The SPEAKER. No unanimous consent has been asked.

Mr. BLANTON. It is necessary in order to take it from the Speaker's table?

The SPEAKER. It is not.

Mr. WALSH. It is a Senate amendment.

Mr. BLANTON. Oh!

The Clerk read the Senate amendment, as follows:

Page 1, lines 5 and 6, strike out "not less than."

Mr. SINNOTT. Mr. Speaker, the House bill reported by the committee provided that the Secretary of the Interior might sell these lands at \$1.25 an acre to these settlers who have been on the lands for some 30 years. It seems that on account of an erroneous survey the lands which they have been living on for years are not the lands described in the patents. And the House committee bill provided that on the payment of \$1.25 for these lands they may secure patent to the same. And then an amendment was put in in the House to make the price not less than \$1.25 an acre. That was stricken out in the Senate for the reason that the Department of the Interior holds that the phrase "not less than" \$1.25 an acre would require the appraisal of these lands, and the men who have been living on the lands would have to pay the appraised price. Some of these lands are worth \$150 and \$300 an acre. These men have been living on the land for some 30 years. Very valuable orchards and very valuable improvements are upon the lands in question.

Mr. MANN of Illinois. Mr. Speaker, as I understand, this bill was under consideration in the House, and the House amended it by inserting the language "not less than." After consideration the bill passed by unanimous consent. The gentlemen in charge of the bill blithely consent to put in this amendment, and then walk over to the Senate and allow it to be struck out.

Mr. SMITH of Idaho. I want to say that the bill was reached on the Unanimous Consent Calendar, and one of the conditions that the bill should be considered was to accept the amendment.

Mr. MANN of Illinois. I say that they blithely accept the amendment in the House and walk over to the Senate and ask some interested Senator to strike out the language, and then walk into the House at this stage of proceedings and blithely ask the House to accept the Senate amendment. That is not good faith to the House, in my opinion.

Mr. SMITH of Idaho. The statement of the gentleman is unwarranted by the facts.

Mr. MANN of Illinois. I did not state anything that was not a fact.

Mr. SMITH of Idaho. The gentleman certainly intimated that we had not acted in good faith with the House. When this amendment was accepted in the House we supposed it was harmless, but after the bill was passed the legal officer of the Department of the Interior stated that the words "not less than," if left in the bill, would, under an opinion rendered in connection with the use of the same words in the coal-land law, require an appraisal of the land. That statement was made to the chairman of the Senate Committee on Public Lands, and it is made to this House in absolutely good faith, and the gentle-

man from Illinois or no other Member of Congress has any right to impute any wrong motives to any Member of the House unless he has good reason for it.

Mr. MANN of Illinois. I am not imputing wrong motives. But I say that it is unfair to the Members of the House to come here and ask us to pass bills on the Unanimous Consent Calendar, and agree to the amendment at the time, and then go to the Senate and have that amendment stricken out and ask that the House agree to the Senate amendment without consideration.

Mr. BLANTON. Will the gentleman yield?

Mr. MANN of Illinois. I have not the floor.

Mr. SMITH of Idaho. I want to make this statement: While I have not served in the House as long as the gentleman from Illinois, I will leave it to the Members whether I am not as honorable and frank in the consideration of legislation as is the gentleman from Illinois. I consider his insinuation a direct insult to me and the other members of the Public Lands Committee, and I resent it.

Mr. MANN of Illinois. I do not care whether the gentleman resents it or not. I am not trying to reflect on the honorableness of the gentleman from Idaho. I am calling the attention of the House to the fact what when unanimous consent is given to the consideration of a bill and we agree to the amendment in the House, they go straight to the Senate and ask that it be stricken out, and then come back and ask the House to consider the amendment of the Senate.

Mr. OLIVER. Was there anything that indicated that the House desired these men to pay more than the dollar and a quarter at the time the amendment was accepted?

Mr. SMITH of Idaho. Absolutely not. The gentleman from Ohio [Mr. GARD] said that he did not think they should pay anything, but the bill was drawn by the department and the price fixed at \$1.25 per acre, and we consented to the amendment of the bill.

Mr. BLANTON. The reason the gentleman from Illinois was giving the gentleman from Idaho a little chastisement was for not knowing the reason for this amendment when he permitted it to go on the bill.

Mr. MANN of Illinois. I did not know that the gentleman from Idaho was the author of the bill.

Mr. SMITH of Idaho. It is an Idaho matter.

Mr. MANN of Illinois. There is nothing here to indicate it. It does not make any difference. It is not fair to the House.

Mr. SMITH of Idaho. I will leave it to the membership of this House whether it is not fair to consider the Senate amendment after explaining the facts to the House.

Mr. GARD. Mr. Speaker, the amendment which the Senate has stricken out in this bill was offered in the House by me and accepted by those who had charge of the bill. Now, the gentleman from Idaho [Mr. SMITH] said that he accepted it because he thought the amendment was harmless, but I am sure I offered it because I thought the amendment might be of some public benefit.

Mr. SMITH of Idaho. May I ask the gentleman a question?

Mr. GARD. Yes.

Mr. SMITH of Idaho. Did not the gentleman say in the debate that he did not believe these settlers should be required to pay anything, because they had been living on the land for 30 years and had a patent to it, and supposed it belonged to them?

Mr. GARD. I do not know.

Mr. SMITH of Idaho. The Record will show it.

Mr. GARD. I am willing to stand by the Record. I do not recall what I did say. What I say in regard to this amendment is this, that the amendment had been accepted by those in charge of the bill. Then we had word—so I get it from those now in charge of the bill—that some one in the Department of the Interior said it would be necessary to have an appraisal of this land if the amendment of the House were not stricken out. I do not see that very much harm would result either way. I maintain the position I took in the House before, that if these people had the land and thought they had the land and had it rightfully, but could not acquire it legally under an erroneous survey, then I am in favor of seeing that they get the land they should have, whether they pay \$1.25 an acre for it or whether they do not pay anything for it. I want to do entire justice to these people who had the land, but I do not see how harm would come from the appraisal of this land at this time, because the bill still would provide that the Department of the Interior could sell it to the people who were entitled to it—assuming that they are entitled to it by their previous occupation—for not less than \$1.25 per acre.

Now, the only dispute is about the words "not less than." If you make it "\$1.25 an acre," they can make the transfer without any appraisal. On the other hand, if that language re-

mains in, then they do require an appraisal. I do not see that any harm results; but, in fact, some good may result to the great body of the people of the United States in knowing the value of the land, because the only criticism I have regarding matters of this kind is that we do not have as much information about them as we should have. That may be a criticism upon myself individually, but I am sure the membership of the House generally are not as well informed on these matters of public lands as they should be, and are obliged to take the word of the gentlemen of the committee, and therefore we should have a full and fair and frank discussion always by members of the committee in informing us just what the conditions are.

Mr. SUMNERS of Texas. Mr. Speaker, will the gentleman yield?

Mr. GARD. Yes.

Mr. SUMNERS of Texas. Is not this the practical difficulty: If these people had gotten the lands which they supposed they were getting, they would have gotten them at \$1.25? Now, an error is discovered in the survey, and these people have established their homes there and planted their orchards and put improvements on the land, which have brought up its value, and under appraisal the lands might be shown to be worth two or three hundred dollars an acre.

Mr. GARD. That would not make any difference. Still under the bill they would get the land for \$1.25.

Mr. SUMNERS of Texas. But suppose under the appraisal these lands were shown to be worth \$300 an acre, and the man would be compelled perhaps to pay \$300 an acre, and much of that \$300 an acre has resulted from his own industry after he has gotten this land which he expected to get, and which he did not eventually get by reason of a mistake for which he was not responsible, and for which he would have only paid \$1.25 an acre. Is not that the situation?

Mr. GARD. The gentleman apparently does not understand the bill, because the bill provides in its present form that under the direction of the Department of the Interior these lands may be properly adjusted on the basis of not less than \$1.25 per acre.

Mr. SUMNERS of Texas. Mr. Speaker, will the gentleman yield again?

Mr. GARD. Yes.

Mr. SUMNERS of Texas. I understand from gentlemen in charge of the bill that if these lands are appraised and the appraisal shows that they are worth around \$300 an acre, then the Secretary of the Interior is under obligation to get about that figure.

Mr. GARD. Oh, no. There is nothing of that kind in the bill. They say the Secretary of the Interior, under an old ruling, when it is necessary to appraise them shall appraise them.

Mr. SUMNERS of Texas. What is the use in appraising them?

Mr. GARD. Let us have them appraised.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield?

Mr. GARD. Yes.

Mr. LINTHICUM. Suppose the appraisal shows that they are worth what the gentleman says, \$300 an acre. Do you think any department official would undertake to sell them for \$1.25? Do you not think he would be open to public censure if he attempted to do that?

Mr. GARD. No. The facts are that these people are occupying lands which they thought they legally owned. Owing to an error in the survey it has developed that they do not own that land in the bottoms, but land up on the mountain side. It is really an adjustment of survey lines. That is what it amounts to.

Mr. LINTHICUM. Yes; but the gentleman has no doubt heard many statements brought in here and charges against public officials for selling things for less than they are worth, such as trucks and automobiles and things like that. Does the gentleman think they ought to put up this land and sell it for less than the appraised value?

Mr. GARD. No. My own position would be that if it were thoroughly established that these men had lived on the land and cultivated it and improved it, they should have it without the payment of any money. That would be my own opinion.

Mr. BLAND of Indiana. Mr. Speaker, will the gentleman yield?

Mr. GARD. Yes.

Mr. BLAND of Indiana. Your position is that if this land is appraised at \$150, the Secretary of the Interior can still sell it for \$1.25 an acre?

Mr. GARD. Absolutely.

Mr. BLAND of Indiana. That is not my understanding of the law. If it is appraised by the Secretary of the Interior he must sell it at the appraised value.

Mr. GARD. No. It was in the bill "not less than \$1.25."
Mr. BLAND of Indiana. It requires them to have it appraised, and the gentleman says that under the law they have to have it appraised. What do they have it appraised for? Simply in order to determine its value, and they must get that value for it in the Government's behalf.

Mr. GARD. There is no such contention. The only contention is that it is necessary to appraise it.

Mr. TINCER. Mr. Speaker, will the gentleman yield?

Mr. GARD. Yes.

Mr. TINCER. What possible good could come from the appraisal of this land?

Mr. GARD. The only possible good to come of it would be the information, as I assume Members of Congress generally want to find out the value of public lands that they are acting upon.

Mr. TINCER. As we passed the bill, and as I understand the gentleman himself says it should be passed, they would pay only \$1.25. If they do, what is the use of that appraisal? It would be just the cost of that thrown away.

Mr. GARD. No. The records of the appraisal would remain in the Department of the Interior as a guide as to the value of land in that vicinity. That would be the effect of it.

Mr. SUMNERS of Texas. Mr. Speaker, will the gentleman again yield?

Mr. GARD. Yes.

Mr. SUMNERS of Texas. If you appraised the lands and by reason of the fact that the settlers had planted orchards on those lands and made them worth \$300 an acre, if the Secretary of the Interior acts upon that information, he does an injustice to the man who has honestly tried to comply with the contract with the Government, and if you do not act upon that appraisal you will be spending the public money for no good. But if you do not act on the information you have spent the money to no good end, as it looks to me.

Mr. GARD. There is no great expenditure of public money in that, as far as I can see.

Mr. FRENCH. Will the gentleman yield?

Mr. GARD. I yield to the gentleman.

Mr. FRENCH. Let me give an illustration. Suppose the Government should sell and deed to some one here in the city of Washington a few lots supposedly down in Potomac Park near the river and in the course of a few years it should develop that the purchaser, who perhaps had erected a manufacturing plant on the land that had been sold, found when he turned to his deed that it described land not in the former park site but in the middle of the river itself. Would there be any good or any justice in requiring an appraisal of the lands that were sold in order to correct the deed? Surely the Government would not ask the purchaser to pay for the lands over again even if in 30 or 40 years they had increased in value. Now, that is exactly a parallel case. The Government issued patents to lands to these settlers under the homestead laws. The settlers built their homes on what was supposed to be the lands. They cultivated the lands, they put out orchards. Those lands have increased in value until perhaps they are worth \$150 an acre. I do not know what they are worth.

Mr. GARD. That is the point. None of us know, and that is the only reason for the appraisal, to ascertain the value.

Mr. FRENCH. But the gentleman does not follow me.

Mr. GARD. I think I do.

Mr. FRENCH. The Government issued patents to lands on the canyon sides. The settlers took the patents and the settlers and the Government have assumed that they described the bottom lands, and it had been so supposed for 30 or 40 years. Now, according to certain surveys, it develops that the lands actually described are on the mountain or canyon side. I submit that no good could come from having a new appraisal, any more than if the city of Washington should sell lots in Potomac Park and it should develop later that the description in the deeds placed the lots in the Potomac River. No good could come from appraising the lots again, and no good or benefit to anyone could come from having an appraisal of the lands in question, and it would mean added expense to the Government.

Mr. GARD. The only suggestion that came from the department.

Mr. SMITH of Idaho. Mr. Speaker, I move the previous question. Has the gentleman from Ohio finished?

Mr. GARD. No; I had not finished.

Mr. SMITH of Idaho. I thought the gentleman had finished.

Mr. GARD. I do not care to pursue it any further. If the gentleman wants to move the previous question when I am making a statement, he can do so.

Mr. SMITH of Idaho. I thought the gentleman had finished.

Mr. GARD. Go ahead. I do not care to speak any further.

The SPEAKER. The gentleman from Idaho moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on concurring in the Senate amendment.

The Senate amendment was concurred in.

HOSPITAL FOR SOLDIERS, SAILORS, AND MARINES IN THE DISTRICT OF COLUMBIA.

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13627) to amend paragraph (e) of section 7 of the act approved March 3, 1919, entitled "An act to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers, sailors, and marines."

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the present consideration of H. R. 13627, which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. WALSH. The bill ought to be reported.

Mr. LANGLEY. Let the bill be reported, Mr. Speaker.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That paragraph (e) of section 7 of the act approved March 3, 1919, entitled "An act to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers, sailors, and marines," is hereby amended to read as follows:

"(e) The sum of \$550,000 is hereby authorized for the purchase of the land and buildings of the National School of Domestic Arts and Science, located at 2650 Wisconsin Avenue, in the District of Columbia, now under lease to the United States Government as a hospital, and for the construction of such additions and improvements thereto as may be necessary to suitably adapt them to the needs and purposes of the Public Health Service: *Provided*, That the purchase price of said land and buildings shall not exceed \$460,000: *Provided further*, That in addition to the \$550,000 hereby authorized, the sum of \$250,000 from the amount appropriated by section 5 of the act hereby amended and of \$6,000 and of \$154,000 from the amounts appropriated by section 6, paragraphs 1 and 2, respectively, of said act, are hereby made available for the above-mentioned purposes and shall remain available until expended."

Mr. WALSH. Mr. Speaker, reserving the right to object, this seems to be a rather important matter, and apparently involves the expenditure of some money, a part of which or all of which has been appropriated heretofore, but I do not think we ought to take up a matter like this by unanimous consent without any notice. I object.

The SPEAKER. Objection is made.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House resolution 536.

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 13627) to amend paragraph (e) of section 7 of the act approved March 3, 1919, entitled "An act to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers, sailors, and marines," and after general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided between those for and against the bill, the bill shall be read for amendment under the five-minute rule; that at the conclusion of the consideration of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been agreed to, when the previous question shall be considered as ordered on the bill and amendments to final passage without intervening motion, except one motion to recommit.

Mr. CAMPBELL of Kansas. Mr. Speaker, the resolution just read merely provides for the consideration of the bill for which unanimous consent has just been refused. The rule provides for not to exceed an hour of general debate and the reading of the bill for amendment.

There is need for additional hospital facilities in the District of Columbia. Indeed, the law already provides for such a hospital, but need for this legislation has been found to enable those in charge to purchase the hospital in question.

Mr. BANKHEAD. Is this a unanimous report from the Committee on Rules?

Mr. LANGLEY. It is.

Mr. CAMPBELL of Kansas. It is a unanimous report from the Committee on Public Buildings and Grounds, and also from the Committee on Rules.

Mr. WALSH. Will the gentleman yield?

Mr. CAMPBELL of Kansas. For a question.

Mr. WALSH. What kind of a hospital is this to be?

Mr. CAMPBELL of Kansas. A hospital for the disabled soldiers, sailors, and marines of the late war—a general hospital.

Mr. WALSH. How does it come to be reported by the Committee on Public Buildings and Grounds?

Mr. CAMPBELL of Kansas. It provides for the purchase of buildings.

Mr. WALSH. I grasp that from having heard the bill read.

Mr. CAMPBELL of Kansas. For the reason that the purchase of buildings is provided for, and by the rules of the House such a bill goes to the Committee on Public Buildings and Grounds.

Mr. LANGLEY. Let me say for the information of the gentleman that this seeks to amend an act which was reported from the Committee on Public Buildings and Grounds in the last session.

Mr. WALSH. Perhaps that is where the committee gets jurisdiction, because the bill amends something.

Mr. LANGLEY. It has jurisdiction of all these buildings. This is to provide hospital facilities for soldiers of the late war.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move the previous question on the resolution.

The question was taken; and on a division there were 57 ayes and 8 noes.

Mr. WALSH. Mr. Speaker, we ought to have a quorum here to consider a matter of this importance, and I make the point of no quorum.

The SPEAKER. The gentleman from Massachusetts makes the point of no quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 339, nays 0, answered "present" 1, not voting 87, as follows:

YEAS—339.

| | | | |
|-----------------|-----------------|-------------------|-----------------|
| Ackerman | Dempsey | Hull, Tenn. | Mead |
| Almon | Denison | Humphreys | Michener |
| Anderson | Dewalt | Husted | Miller |
| Andrews, Md. | Dickinson, Iowa | Hutchinson | Milligan |
| Andrews, Nebr. | Dickinson, Mo. | Igoe | Minahan, N. J. |
| Ashbrook | Donovan | Ireland | Monahan, Wis. |
| Aswell | Doelling | Jacoway | Mondell |
| Ayres | Doremus | James | Moon |
| Babka | Doughton | Jeffers | Mooney |
| Bacharach | Dowell | Johnson, Ky. | Moore, Ohio |
| Baer | Dunbar | Johnson, Miss. | Moore, Va. |
| Bankhead | Dunn | Johnson, Wash. | Moore, Ind. |
| Barbour | Dupré | Johnston, N. Y. | Morgan |
| Barkley | Dyer | Juul | Mott |
| Bee | Eagan | Kearns | Mudd |
| Begg | Eagle | Keller | Murphy |
| Bell | Echols | Kelly, Pa. | Neely |
| Benham | Elliott | Kendall | Nelson, Mo. |
| Black | Emerson | Kennedy, R. I. | Newton, Minn. |
| Bland, Ind. | Evans, Mont. | Kiess | Newton, Mo. |
| Bland, Mo. | Evans, Nebr. | Kiucheloe | Nolan |
| Bland, Va. | Fairfield | King | O'Connell |
| Blanton | Ferris | Kinkaid | O'Connor |
| Boles | Fess | Kiecuka | Ogden |
| Bowers | Fisher | Knutson | Oldfield |
| Box | Flood | Kraus | Olney |
| Brand | Focht | Lampert | Osborne |
| Briggs | Foster | Langley | Overstreet |
| Brooks, Ill. | Frear | Lanham | Paige |
| Brooks, Pa. | Freeman | Larsen | Park |
| Browne | French | Layton | Parker |
| Buchanan | Fuller, Ill. | Lazaro | Parrish |
| Burdick | Fuller, Mass. | Lea, Calif. | Pell |
| Burke | Gallagher | Lehbach | Peters |
| Burroughs | Gallivan | Linthicum | Phelan |
| Butler | Gandy | Little | Platt |
| Byrnes, S. C. | Ganly | Loneragan | Pou |
| Byrnes, Tenn. | Gard | Longworth | Purnell |
| Caldwell | Garland | Luce | Quin |
| Campbell, Kans. | Garner | Lufkin | Radcliffe |
| Campbell, Pa. | Garrett | Luhling | Rainey, Ala. |
| Candler | Glynn | McAndrews | Rainey, H. T. |
| Cannon | Goldfogle | McArthur | Rainey, J. W. |
| Cantrill | Good | McClintic | Raker |
| Catew | Goodwin, Ark. | McCulloch | Ramsey |
| Carss | Goodykoontz | McDuffie | Ramseyer |
| Chindblom | Graham, Ill. | McFadden | Randall, Calif. |
| Christopherson | Green, Iowa | McGlennon | Randall, Wis. |
| Clark, Mo. | Greene, Mass. | McKeown | Rayburn |
| Cleary | Griest | McKiniry | Reavis |
| Coady | Hadley | McKinley | Reber |
| Collier | Hamilton | McLane | Reed, N. Y. |
| Connally | Hardy, Colo. | McLaughlin, Mich. | Reed, W. Va. |
| Cooper | Hardy, Tex. | McLaughlin, Nebr. | Ricketts |
| Copley | Harrel | MacCrate | Riddick |
| Crago | Hawley | MacGregor | Robinson, N. C. |
| Cramton | Heflin | Madden | Robson, Ky. |
| Crisp | Hersey | Magee | Rodenberg |
| Crowther | Hersman | Maher | Rogers |
| Cullen | Hickey | Major | Romjue |
| Currie, Mich. | Hicks | Mann, Ill. | Rouse |
| Dale | Hill | Mann, S. C. | Rowan |
| Dallinger | Holland | Mansfield | Rowe |
| Darrow | Houghton | Mapes | Rucker |
| Davey | Huddleston | Martin | Sanders, Ind. |
| Davis, Minn. | Hudspeth | Mason | Sanders, La. |
| Davis, Tenn. | Hull, Iowa | Mays | Sanford |

Schall
Scott
Sells
Sherwood
Shreve
Sims
Sinclair
Sinnott
Sisson
Slomp
Smith, Idaho
Smith, Ill.
Smith, Mich.
Smith, N. Y.
Snell
Steagall
Steenerson
Stephens, Miss.

Stephens, Ohio
Stiness
Stoll
Strong, Kans.
Sullivan
Summers, Wash.
Sumners, Tex.
Sweet
Swope
Tague
Taylor, Colo.
Taylor, Tenn.
Temple
Thomas
Thompson
Tilson
Timberlake
Tinch

Tinkham
Towner
Treadway
Upshaw
Valle
Vare
Venable
Vestal
Vinson
Voigt
Volstead
Walsh
Walters
Wason
Watkins
Watson
Weaver
Webster

Welling
Welty
Whaley
Wheeler
White, Kans.
White, Me.
Williams
Wilson, Ill.
Wilson, La.
Wingo
Winslow
Wood, Ind.
Woods, Va.
Woodyard
Wright
Young, N. Dak.
Young, Tex.

NAYS—0.

ANSWERED "PRESENT"—1.

Griffin

NOT VOTING—87.

Anthony
Benson
Blackmon
Booher
Brinson
Britten
Brumbaugh
Caraway
Carter
Casey
Clark, Fla.
Classon
Cole
Costello
Curry, Calif.
Dent
Dominick
Drane
Drewry
Edmonds
Ellsworth
Elston

Esch
Evans, Nev.
Fields
Fordney
Godwin, N. C.
Goodall
Gould
Graham, Pa.
Greene, Vt.
Hamill
Harrison
Hastings
Haugen
Hayden
Hays
Hernandez
Hoch
Hoey
Howard
Hullings
Johnson, S. Dak.
Jones, Pa.

Jones, Tex.
Kahn
Kelley, Mich.
Kennedy, Iowa
Kettner
Kitchin
Kreider
Lankford
Lee, Ga.
Lesher
McKenzie
McPherson
Merritt
Montague
Morin
Molson, Wis.
Nicholls
Oliver
Padgett
Porter
Rhodes
Riordan

Rose
Rubey
Sabath
Sanders, N. Y.
Scully
Sears
Siegel
Small
Smithwick
Snyder
Stedman
Steele
Stevenson
Strong, Pa.
Taylor, Ark.
Tillman
Ward
Wilson, Pa.
Wise
Yates
Zihlman

So the previous question was ordered.

The following additional pairs were announced:
Until further notice:

Mr. ANTHONY with Mr. KITCHIN.

Mr. EDMONDS with Mr. CASEY.

Mr. FORDNEY with Mr. RUBEY.

Mr. BRITTEN with Mr. WISE.

Mr. ESCH with Mr. FIELDS.

Mr. JOHNSON of South Dakota with Mr. OLIVER.

Mr. NELSON of Wisconsin with Mr. LEE of Georgia.

Mr. CLASSON with Mr. WILSON of Pennsylvania.

Mr. ZIHLMAN with Mr. EVANS of Nevada.

Mr. GOODALL with Mr. PADGETT.

Mr. YATES with Mr. SMITHWICK.

Mr. KENNEDY of Iowa with Mr. HOEY.

Mr. ELLSWORTH with Mr. NICHOLLS.

Mr. SANDERS of New York with Mr. HAMILL.

Mr. GOULD with Mr. TAYLOR of Arkansas.

Mr. PORTER with Mr. STEDMAN.

Mr. MCKENZIE with Mr. RIORDAN.

Mr. HAUGEN with Mr. SEARS.

Mr. GREENE of Vermont with Mr. JONES of Texas.

Mr. HAYS with Mr. CARAWAY.

Mr. KELLEY of Michigan with Mr. BENSON.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

The SPEAKER. The question is on agreeing to the rule.

The resolution was agreed to.

Mr. LANGLEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13627, and pending that I ask unanimous consent that one half of the time be controlled by the gentleman from Texas [Mr. MANSFIELD] and the other half by myself.

The SPEAKER. Is the gentleman from Texas opposed to the bill? The rule provides that one-half the time shall be controlled by those opposed to the bill.

Mr. LANGLEY. There being apparently no one against the bill, I ask that the gentleman from Texas control it.

Mr. GARD. Mr. Speaker, I will claim the right to control the time.

The SPEAKER. Is the gentleman from Ohio opposed to the bill?

Mr. GARD. Yes.

Mr. CAMPBELL of Kansas. The rule says that those opposed to the bill shall control one-half of the time.

The SPEAKER. But the rule does not say who shall control the time in opposition.

Mr. LANGLEY. Mr. Speaker, I ask for a vote on my motion.

The SPEAKER. The question is on the motion of the gentleman from Kentucky that the House resolve itself into the

Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13627.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13627, with Mr. GREEN of Iowa in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That paragraph (e) of section 7 of the act approved March 3, 1919, entitled "An act to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers, sailors, and marines," is hereby amended to read as follows:

"(e) The sum of \$550,000 is hereby authorized for the purchase of the land and buildings of the National School of Domestic Arts and Science, located at 2650 Wisconsin Avenue, in the District of Columbia, now under lease to the United States Government as a hospital, and for the construction of such additions and improvements thereto as may be necessary to suitably adapt them to the needs and purposes of the Public Health Service: *Provided*, That the purchase price of said land and buildings shall not exceed \$460,000: *Provided further*, That in addition to the \$550,000 hereby authorized, the sum of \$250,000 from the amount appropriated by section 5 of the act hereby amended and of \$6,000 and of \$154,000 from the amounts appropriated by section 6, paragraphs 1 and 2, respectively, of said act, are hereby made available for the above-mentioned purposes and shall remain available until expended."

Mr. LANGLEY. Mr. Chairman, I shall detain the committee for only a few minutes. I have always had a reverential admiration for our soldiers who fought in all our wars. From my boyhood they have stood apart in my estimation as the real heroes of the Republic. [Applause.] I think everyone will concede that we can never pay fully the debt of gratitude that we owe to them. I am in favor of giving them all as liberal consideration and aid as the finances of our country will permit. I think also you will concede that our first and highest duty is to provide proper hospital facilities for the sick, injured, and wounded soldiers. [Applause.] That is the purpose of this bill, as far as it goes. Our committee has had extensive hearings on the general hospital situation, and I think these hearings will show that we have fully developed all the material facts bearing upon the situation. The Secretary of War, the Secretary of the Treasury, the Director of the War Risk Bureau, the Surgeon General of the Public Health Service, and several subordinate officials, Gen. Wood, chairman of the Board of Managers of the National Home for Disabled Volunteer Soldiers, famous experts on mental and nervous diseases and tuberculosis and their treatment, and many others have all been heard. We discovered during our investigation that there are a good many thousands—I believe about 16,000—of our returned disabled soldiers, sailors, and marines who are without proper hospital treatment. We ascertained that there were available in the national homes for disabled volunteer soldiers something over 9,000 vacant beds. At one hearing we had before us the Surgeon General of the Public Health Service and other officials of that bureau.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. LANGLEY. In a moment. We had also Gen. Wood, chairman of the board of directors of the national homes, and others, all participating in the hearing and debating the matter fully. They reached the conclusion, and so did we, that those beds could be made available for the treatment of these soldiers. That will still leave several thousand more not properly provided for.

We requested the Secretary of War to appear before our committee a second time, which he did, with a view to determining if we could not obtain space in the unoccupied Army posts so as to further curtail the authorizations which the Secretary of the Treasury and the Public Health Service were asking for. Secretary Baker explained the situation quite fully, and the most that he would consent to was to give us a revocable permit to admit our returned disabled soldiers of the World War into the hospitals attached to these posts, which meant that he could at any time order the patients removed so that these posts could be used for military purposes, for which they were originally intended; and he added the further condition that no tubercular patients were to be admitted to these post hospitals. He explained that if the Mexican situation cleared up it would be necessary for the department to have these posts reoccupied, although at least two of them have not, I am informed, been used for several years, except for housing a sufficient number of persons to look after the buildings. The committee reached the conclusion that it was not wise to undertake to utilize these unoccupied posts for hospital purposes under the circumstances.

This bill is only a step in the direction of providing proper hospital facilities for these men. The committee is now engaged in the consideration of additional legislation, with a view to establishing other hospitals in other sections of the country, particularly for tubercular and mental and nervous diseases, or neuropsychiatric cases, as the doctors call them. We hope to be able to report that bill to the House with a

unanimous recommendation and at a very early date. Now, I yield to the gentleman from Texas.

Mr. HUDSPETH. Mr. Chairman, I think the gentleman has just stated the matter I was about to inquire respecting, and that is relative to tubercular patients. Does this bill provide for that also?

Mr. LANGLEY. It is to be a general hospital. The purpose of the Health Service is to segregate tubercular patients as much as possible. That will all be embodied, as I have already indicated, in a bill that we will report at an early date—within the next few days, I hope.

I yield 20 minutes to the gentleman from Nebraska [Mr. ANDREWS], who is the chairman of the subcommittee appointed by the chairman of the committee to investigate the question, and who has well and faithfully performed that duty. [Applause.]

Mr. ANDREWS of Nebraska. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ANDREWS of Nebraska. Mr. Chairman, on the 5th of last December the Secretary of the Treasury submitted a letter to the Speaker of the House with memoranda covering what was supposed to be needs for proper hospitalization for our disabled soldiers, sailors, and marines of the World War. By reference to House Document No. 481 you will find that the Director of the Bureau of War Risk Insurance states that there are 641,000 soldiers, sailors, and marines discharged from the service with some degree of disability. Under the law it becomes the duty of the Director of the Bureau of War Risk Insurance to cause a medical examination of the applicants for aid. When the examination discloses a disability exceeding 10 per cent the applicant is regarded as entitled to the provisions of the law for hospitalization.

You will find that under the act of March 3, 1919, certain sums of money were set apart to be used, at the discretion of the Secretary of the Treasury, for the purpose of caring for such cases. Paragraph (e), section 7, of that act reads as follows:

"(e) The sum of \$550,000 is hereby authorized for the construction, on land owned by the Government, on a site to be selected by the Secretary of the Treasury, with the approval of the President, of a hospital plant complete in the District of Columbia or vicinity.

That money stands at the discretion of the Secretary, to be used by him under the limitations imposed in the paragraph. A diligent search was made by the department for a suitable site on Government ground in the District. They failed to find one that was satisfactory. Consequently no action was taken toward the construction of the buildings. The money, therefore, remains intact, still to be used by the Secretary under these limitations as he may see fit. When the report of the Secretary of December 5 came before your committee for investigation, this appropriation was brought under consideration in the hearings. It occurred to your committee that it would be wise for us to confer with the Surgeon General and the Secretary of the Treasury in the hope that some agreement might be reached on the lines of practical economy and efficiency for the service. That conference led to the conclusion that the property in question ought to be secured for the benefit of the service.

An explanation now in regard to the property: This property was developed for educational purposes by the School of Domestic Arts and Science. When the war came the girls went into the war work and the school closed.

The buildings were then leased for hotel purposes and were in use as such for some months. The Secretary of the Treasury afterwards leased the property for hospital purposes, as he had full authority to do under other provisions of the act of March 3, 1919, and since the 10th of June, 1919, it has been used by the Public Health Service for the benefit of disabled soldiers, sailors, and marines of the World War. When your committee visited the institution they had about 80 or 85 patients. We found upon examination that this, as stated by the Secretary, is an ideal location for a hospital. After proper negotiations by the Treasury Department a price was agreed upon, \$460,000, for the purchase of the buildings and grounds. All of the sewer, water, and lighting facilities are complete, in good order. The four stone buildings are comparatively new, and the architect's inspection shows that the value of the improvements on the property is \$289,000, in round numbers.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of Nebraska. Yes.

Mr. McKEOWN. Does the gentleman know what it is assessed for in the District of Columbia, for the purpose of taxes?

Mr. ANDREWS of Nebraska. I can not answer that question. I did not inquire.

Mr. LAYTON. Where is this property situated?

Mr. ANDREWS of Nebraska. At 2650 Wisconsin Avenue, in the vicinity of the Naval Observatory.

Mr. LAYTON. Is it on elevated ground?

Mr. ANDREWS of Nebraska. We are informed that the second story of the main buildings is almost on a level with the top of the Washington Monument, and that is about as good as you are going to get. There is a beautiful view from the buildings overlooking the city, attractive in every particular. Property in that locality is selling at from 75 cents to \$1.25 per square foot.

The price, after deducting the value of the improvements, will leave the cost of the land at about 34 or 35 cents per square foot. We find that upon the basis of cost we are well within the limits of practical economy. This, perhaps, will answer in part the inquiry made by the gentleman a moment ago. The patients, about 80 or 85 in number, seem to be in cheerful spirits and express great satisfaction because of the favorable location. Now, the Secretary recommends that, in addition to this \$550,000, the amount of \$410,000 from that same act shall be set apart and used for the enlargement of the institution, which, when so enlarged, will accommodate approximately 300 patients.

Mr. RAKER. Will the gentleman yield right there?

Mr. ANDREWS of Nebraska. I will.

Mr. RAKER. Just for two questions. Can the gentleman tell the committee about what we are paying per month now for this property?

Mr. ANDREWS of Nebraska. Three thousand dollars per month.

Mr. RAKER. One other question: Is that the building that is there where the street car comes along; does that belong to the property?

Mr. ANDREWS of Nebraska. The frame building?

Mr. RAKER. Yes, sir.

Mr. ANDREWS of Nebraska. Yes, sir.

Mr. RAKER. So the property comes clear to the street where the street car line runs?

Mr. ANDREWS of Nebraska. Yes, sir.

Mr. RAKER. This property was known a year ago as the Mount Alto Hotel?

Mr. ANDREWS of Nebraska. Exactly.

Mr. MacGREGOR. Will the gentleman yield?

Mr. ANDREWS of Nebraska. I will.

Mr. MacGREGOR. What is supposed to be the average cost of a building to accommodate one patient?

Mr. ANDREWS of Nebraska. Well, I can not answer that. I can simply answer in these terms: We will have this property at \$460,000, 11½ acres of ground; \$500,000 for enlargement of the institution, which, according to the estimate of the Surgeon General, would accommodate 300 patients.

Mr. MacGREGOR. That is \$3,200 per man.

Mr. ANDREWS of Nebraska. That is the ordinary estimate given by the hospital service in computing the cost of a building, but I might say to the gentleman he will be greatly surprised when he finds in many instances in the construction of hospitals that the price may run from \$3,500 to \$4,000 per bed. Your committee has tried to adopt a plan by means of which that item will be reduced, and we hope we will be successful.

Mr. LAYTON. Will the gentleman excuse me for saying that I wish he would take out of the Record the word "plant." I do not like to hear the word "plant" used in connection with a hospital where people may die, and it may look like we were planting them.

Mr. ANDREWS of Nebraska. Accepting the suggestion of the medical authority from the "empire" of Delaware, I would be glad to change to any word he suggests—

Mr. LAYTON. Institution.

Mr. ANDREWS of Nebraska. Institution, and I will ask the reporter to so record it. Let me invite your attention to this paragraph of the Sweet bill, which is a reproduction and a slight enlargement upon the provisions of the original war-risk act of October 6, 1917:

Paragraph 6 of section 302 of the Sweet bill (Public, No. 104, 66th Cong.) contains the following:

"(6) In addition to the compensation above provided, the injured shall be furnished by the United States such reasonable governmental medical, surgical, and hospital services, and with such supplies, including wheeled chairs, artificial limbs, trusses, and similar appliances as the director may determine to be useful and reasonably necessary, which wheeled chairs, artificial limbs, trusses, and similar appliances may be procured by the Bureau of War Risk Insurance in such manner, either by purchase or manufacture, as the director may determine to be advantageous and reasonably necessary."

The certifications thus made by the Director of the Bureau of War Risk Insurance impose upon the Government the duty of furnishing adequate hospital facilities.

Mr. Chairman, let me ask the members of the committee to pause for a moment and meditate upon that provision of law,

There is the foundation of the liability of the Government for the work of hospitalization. Now, when your committee was called upon by that communication from the Secretary of the Treasury on December 5, 1919, to provide hospital facilities to the extent of \$85,000,000 we thought we had a tremendous problem before us, and so we did. We have reviewed all the facilities of Army posts and cantonments; we have reviewed those services; and we have found that they were not properly supplied with the facilities to meet the permanent necessities resulting from chronic cases. Note for a moment: Out of that 641,000 cases of disability discharged from service, 155,000 applicants have been examined and found entitled to the benefits of the service. One hundred and twelve thousand of that 155,000, having been analyzed carefully, show 15,000 seriously affected with mental trouble, 15,000 and a little more with tubercular troubles, and 81,000 cases of general disability. There is our problem. The certifications are increasing at the rate of 1,200 per month. We have assumed the liability. Under the law we are obligated to meet that, and more than that. We stop not to plead the law, but we stand in recognition of the fact that our first and imperative duty is to provide for the disabled soldiers, sailors, and marines to the best possible advantage. [Applause.] Now, when these cases appear these certifications are made by the director, and we are under obligation to find the hospital facilities. Sixteen thousand patients are now under the charge of the Public Health Service alone. The State hospitals and private hospitals in various communities are also used to the limit. Some provision is being made, however imperfect it may be now and then, for all thus far. But here are chronic cases, here are the general disabilities in the numbers I have indicated. How are we providing for them? We must make that provision.

The sundry civil bill recently passed by the House aided your committee very materially in the solution of its problem. Forty-six million dollars was carried by that act to be distributed at the discretion of the Director of the Bureau of War Risk Insurance, and therefore the national home for soldiers came more readily into service than any other institution we might find, and the director now makes the distribution. In the use of that fund he can utilize every Government facility for the care of those men and thus avoid additional expense and the construction of buildings to meet the exigencies. There are 9,000 vacant places in those homes. We bring the boys to fill the places and we may find that the space is then inadequate, and it will be comparatively inexpensive to add new units to those institutions and increase the hospital facilities, the heating plant and overhead charges already being provided for. With that fund your committee can solve that part of its problem easily and well and economically. Moreover, we not only have these tubercular cases and mental cases in the numbers I have indicated, but I am sure that if each one of you will take those figures and the report of the hearings and study them you will find that a large number of chronic cases are there to be provided for during the lifetime of the men.

Mr. McKEOWN. Will the gentleman yield?

Mr. ANDREWS of Nebraska. Yes.

Mr. McKEOWN. I understood the gentleman to say that the Government was now paying \$3,000 a month rental for this property. How many beds does that provide for at that rental?

Mr. ANDREWS of Nebraska. They have about 80 or 85 patients there now.

Mr. McKEOWN. How long is this contract made for?

Mr. ANDREWS of Nebraska. That contract ends as soon as the bill passes. The Government takes the property. And if we refuse to do that, then on the call of the individual who owns the property. He has already called it.

Mr. McKEOWN. The contract was entered into for the purpose of selling the property at the time?

Mr. ANDREWS of Nebraska. No, sir. The Secretary of the Treasury practically took charge of it. Not because the owner of the property was hunting for a tenant; he had one. The Government wanted the property and found it best adapted of anything available and practically went in and took it. That is the reason we are there. Let me call your attention to this fact, that the Secretary of the Treasury—and his letter is in the report—the Surgeon General, and the Committee on Public Buildings and Grounds are unanimous in their indorsement of this proposition and urge its acceptance as promptly as it can be made.

Mr. RAKER. Will the gentleman yield?

Mr. ANDREWS of Nebraska. I will.

Mr. RAKER. Practically all the facilities provided for the disabled ex-service men are now occupied? Is that correct?

Mr. ANDREWS of Nebraska. Yes, sir; and we are crowded and troubled at every meeting to find increased facilities. I am

told that 500 of these soldiers are in St. Elizabeths. They and their friends are pleading that they may be removed to some place where they will not be mingling with people from all conditions and walks of life.

Mr. RAKER. The idea is to take these men entirely away?

Mr. ANDREWS of Nebraska. By and by.

Mr. RAKER. The gentleman thinks that ought to be done?

Mr. ANDREWS of Nebraska. Yes; I certainly do.

Mr. RAKER. At what particular place now are they providing for the tuberculosis patients?

Mr. ANDREWS of Nebraska. They are scattered hither and yon, and they can not be put together.

Mr. RAKER. At what particular point are they providing for the temporary insane?

Mr. ANDREWS of Nebraska. As I say, there are 500 here. Those at St. Elizabeths would come in from the ordinary hospitals, or institutions, or any place else.

The appropriations made by the present Congress for the disabled soldiers, sailors, and marines approximate \$300,000,000 for compensation, vocational education, medical and hospital care and treatment. The building of a few hospitals for chronic cases is absolutely necessary.

Without taking the time to review in detail the hearings in relation to individual plants, I may invite attention again to the provision carried in the last sundry civil bill for an appropriation of \$46,000,000 to be placed under the control of the Director of the Bureau of War Risk Insurance. That appropriation and the methods of its use will aid the Committee on Public Buildings and Grounds very materially in the solution of their problems. It will furnish the method by means of which all of the agencies now owned and controlled by the Government suitable for hospital purposes can be used harmoniously and in the line of practical economy. For instance, the national homes for disabled soldiers of prior wars have at this time about 9,000 beds that can be used to assist in caring for the soldiers of the recent World War. Adjustments can be made at this time whereby the soldiers of the World War may have their quarters and suitable hospital provisions without interfering with those who are already in the homes. If hospital facilities at any one of those homes should not be adequate for the enlarged demands placed upon it, it will be a comparatively inexpensive and easy matter to erect a building or buildings to meet such needs. Thus the overhead charges can be avoided and practical economy exercised with respect to grounds and buildings as well as overhead charges. In other words, the board of governors of the soldiers' homes can proceed with their management without interference, and the Public Health Service can be furnished space in which to prosecute its work without interference from other sources.

As the law makes the Director of the Bureau of War Risk Insurance the responsible agent to ascertain who are entitled to hospitalization, it follows naturally that he is the person to make the distribution of the patients where institutions with suitable accommodations can be furnished. As experience will point the way, particular classes of cases can be segregated wisely and assigned where specialization can be properly given.

Two other distinct lines should be carefully studied to provide for those who are suffering from mental troubles and those who are afflicted with tuberculosis. The horrors resulting from the poison gases and the terrible experiences of the war are revealed in most forcible form in many of those cases. From the 15,000 already mentioned who are afflicted with tuberculosis there will be a considerable number of chronic cases. Of the 15,000 afflicted with mental troubles a considerable number may never regain the power of reason. It is therefore very evident that we must make suitable provision for those two classes without delay. The duty is upon us. While financial pressure is tremendous from every direction this demand stands first and is imperative.

I am sure there is no division of opinion at this point. I will not pursue it further at this time.

Your committee will submit very soon definite recommendations in regard to these cases.

The study of this question grows with intensity as we come in contact with the boys who have sacrificed even more than life for their country. As we have mingled with a few of the men in the hospitals that we have visited we have been deeply impressed with the frightful horrors of war. But out of it all there comes a refreshing suggestion in the thought that a kind and overruling Providence has used this chastisement toward the development of a stronger bond of union among the people of the United States of America. The boys from the southland, the northland, the eastland, and the westland, all together making an American land, have united the people of America in bonds of union, in fraternal ties, which we hope will never be

broken. They bring our boys from all sections of the country with oneness of purpose, and with a patriotic devotion to the flag, the Constitution, and the Union which none can sever.

Mr. GARD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. GARD. To ask what has been the amount of time consumed by the gentleman from Kentucky?

The CHAIRMAN. The gentleman from Kentucky has consumed altogether 25 minutes and has 5 minutes remaining. In case there is any gentleman opposed to the bill, then that gentleman will be recognized at the conclusion of 30 minutes.

Mr. LANGLEY. A parliamentary inquiry. If there is no one that announces he is opposed to the bill—

Mr. GARD. When the Speaker was in the chair he propounded the question, and I announced I was opposed to some of the provisions in the bill, and I understood that the gentleman from Kentucky controlled one-half hour and that I should control one-half hour.

Mr. LANGLEY. I do not think the RECORD will show that. I merely withdrew the request.

Mr. GARD. That is my understanding of what the RECORD shows.

Mr. LANGLEY. I want to be right about it, of course.

The CHAIRMAN. The Chair will state the parliamentary situation. Under the rule there was one hour of time, to be equally divided between those in favor of and those opposed to the bill. The gentleman from Kentucky asks unanimous consent that he control 30 minutes of the time, and I think it also included the request of the gentleman from Ohio.

Mr. LANGLEY. I also coupled with that request that the gentleman from Texas [Mr. MANSFIELD] control the other half, and the point was raised that he was not opposed to the bill, and I renewed that part of my request.

The CHAIRMAN. The whole point is that no agreement was reached, but if the gentleman from Ohio [Mr. GARD] is opposed to the bill, then, when the gentleman from Kentucky has exhausted his time, the gentleman from Ohio will be entitled to recognition.

Mr. GARD. I so stated to the Speaker, and I understood the time was allotted to me.

The CHAIRMAN. The gentleman from Kentucky has five minutes more at his disposal.

Mr. LANGLEY. I reserve that.

Mr. KINCHELOE. Will not the gentleman yield one minute more to the time of the gentleman from Nebraska?

Mr. LANGLEY. I can not do that.

The CHAIRMAN. Does the gentleman from Ohio [Mr. GARD] desire to be recognized?

Mr. GARD. Yes; I claim recognition. I yield five minutes to the gentleman from Oklahoma [Mr. McKEOWN]. [Applause.]

Mr. McKEOWN. Mr. Chairman and gentlemen of the committee, I am frank to say that when this bill was first read from the Clerk's desk I thought it was a bad policy to launch upon. Since I have heard these gentlemen explain it and since I have talked with a number of members of the committee, it seems that this property is well situated and well adapted for hospital purposes. But the thing I want to call attention to is that this ought not to be a precedent. I have supported legislation to take care of our wounded soldiers. I voted for the Speedway Hospital at Chicago because I believed it was modern, that it was up to date, that it was the best of its kind in the country, and that is the kind of building I want the United States Government to put its money into when it goes to building hospitals. And I do not want to set a precedent here of buying old buildings or buying buildings that have been constructed that are not modern and not up to date, and will not make suitable hospitals for the future years.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. McKEOWN. I will.

Mr. ANDREWS of Nebraska. I will say that the Surgeon General said to us that he could not construct more suitable buildings for hospital purposes than these are now, and that is the reason he took them. They are fireproof and modern.

Mr. McKEOWN. As I said at the outset, I am not complaining about this particular building, because I do not know anything about it, and I put my confidence in the good judgment of this committee. But I do say it is not good policy to follow up this plan of buying buildings that are not suitable for hospital purposes, not saying that this is not suitable for those purposes, but the policy of spending your money for anything but the very best hospitals.

Mr. LANGLEY. Will the gentleman yield at that point?

Mr. McKEOWN. I yield.

Mr. LANGLEY. I desire to assure the gentleman that such is not the policy of the Committee on Public Buildings

and Grounds. It is not intended to buy any unsuitable buildings.

Mr. McKEOWN. I am glad to have the assurance of the chairman of that committee. But, gentlemen, there is something else I want to call your attention to. There seems to be a disposition to concentrate these hospitals all around Washington.

Now, gentlemen, here is what we find from our experience: The soldier boy improves more quickly in the neighborhood of his own State or in the vicinity of his home. I have had boys that were brought down in North Carolina and in Georgia in the hospitals write me that they would just as soon be dead as to stay there, and we have had those boys transferred out West, where they came from, and it was but a short time before they were out on the street walking, and they immediately improved. I say it is not right and it is not fair to locate all the hospitals here in the city of Washington, in the District of Columbia. Let us scatter them throughout the United States and put these boys nearer where their relatives live. [Applause.]

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. ANDREWS of Nebraska. This law provides—the act of March 3, 1919—for the building of the hospital here. We have left that stand as it is. The need is clearly defined. It is clear that we need an institution here. The program of the committee runs all the way from Oklahoma to California and to the Atlantic coast. Now we have got Oklahoma in line.

Mr. McKEOWN. I am glad that the gentleman has not overlooked that good State, because it has always been hooked up hitherto with the State of Texas, or else they have gone out farther West. If they have got to go to any Southwestern State, Texas is all right; I have no fault to find with the Lone Star State, but feel that Oklahoma is entitled to consideration. Gentlemen, you will make a serious mistake if you permit all the hospitals to be located here in the District of Columbia. The patients ought to be sent out so that they will be within reach of their relatives when they are being taken care of in the hospitals. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. GARD. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. LANHAM].

Mr. LANHAM. Mr. Chairman, I wish to disclaim at the outset any attitude of opposition to the spirit of this bill. I rise rather for the purpose of making an honest inquiry. I take it for granted that we are all in sympathy with such proper efforts as are being made to get suitable and adequate accommodations and hospital facilities for the wounded and disabled soldiers. If further accommodations of this character be needed here, in that same spirit we are willing to establish them here.

Mr. MacGREGOR. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. I have only five minutes. I should like to complete my statement before I yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. LANHAM. I notice that the report of this committee says:

This property consists of four new fireproof and two wood-frame buildings, located on a very desirable site containing 11½ acres of ground, unusually well adapted to hospital purposes. It is estimated, as of June 10, 1919, that the buildings and other improvements were worth \$289,920. It appears that unimproved lots in that immediate locality have been selling recently at prices ranging from 75 cents to \$1.25 per square foot. It is also stated that these grounds contain 500,940 square feet. At the minimum price of 75 cents per square foot the value of the land alone would be \$375,705. Deducting the value of the improvements from the proposed purchase price the actual cost of the land would be \$170,080.

Now, adding those two sums, \$289,920 and \$375,705, for the buildings and the grounds, respectively, we find that in the opinion of the committee the property is worth \$665,625. In other words, we are getting it here under this bill at a bargain of \$460,000, or approximately \$200,000 less than its real worth.

Now, I do not mean to criticize the committee, nor do I mean to criticize the assessor of property for taxes in the District, but I took occasion to inquire of the assessor as to the value of this property. It is assessed for taxes, as you all know, upon a two-thirds valuation. The full value, according to the assessment of 1920, is \$183,376, covering both the land and the improvements. In other words, if the statement of the committee be correct as to the value of these buildings and this ground, subtracting the full value as per the 1920 assessment from the full value as estimated here we find a discrepancy of \$481,749.

Now, I say I have no disposition to criticize either the committee or the assessor, and I rise simply in order to ask for

accurate information. We are living at a time when economy is necessary. We are studying about it and preaching it day and night, and very properly, because the taxpayers are overburdened. We see a great deal in the newspapers of Washington to the effect that the people who reside in the District of Columbia can not afford a substantial raise in their tax rate. They are paying now very much less proportionately than the people in the respective States. And yet, if the committee estimate be correct, the full value of this property, according to the 1920 assessment for taxes, is very much less than one-third of its actual value. It does seem to me that if the committee is correct in its figures and if this case is indicative of the general situation here the people of Washington are not paying their proportionate part for the support of their Government. If the assessor is correct in his figures, then we are paying an exorbitant price for this property.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. Yes.

Mr. CHINDBLOM. I think it should be stated in justice to the owners of this property that their first price for the sale of the property to the Government, as I recall it—and I am sure I am correct—was \$500,000, and then \$475,000, and finally they agreed to accept \$460,000. In other words, the owners of the property themselves have never asked \$650,000 for it. The report says that property in that vicinity has been sold recently at prices ranging from 75 cents to \$1.25 per square foot.

Mr. LANHAM. I will say for the information of the gentleman—

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LANHAM. Can the gentleman give me more time?

Mr. GARD. Will the gentleman put in the Record the respective assessed value of the land and the buildings?

Mr. LANHAM. I have that according to the report of 1918.

Mr. GARD. Mr. Chairman, I yield to the gentleman two minutes more.

The CHAIRMAN. The gentleman from Texas is recognized for two minutes more.

Mr. LANHAM. The assessment for 1918 shows the improvements assessed at \$83,700 and the land assessed at \$25,127, making a total of \$108,827. That being two-thirds of the real value, then the real value in accordance with the figures of the assessor in 1918 was \$162,941. Now, I have not the respective amounts assessed on improvements and lands for 1920, but the full valuation for 1920 is \$183,876, and, of course, taxes are paid upon two-thirds of that.

Mr. HUDSPETH. Does the gentleman know whether the property here is assessed for half its value?

Mr. LANHAM. It is assessed presumably at two-thirds of its value; but in this case, if the figures of the committee be correct, it is assessed for less than one-third of its value.

Mr. CHINDBLOM. Does not the gentleman think the fact that it was first used for a girls' school, and in some measure at least for a public institution, may have had some influence upon the placing of the valuation on the property?

Mr. LANHAM. I can not say as to that; but I do know this, that in 1910, 8 acres of this property, with the main frame building on it, sold for about \$28,500.

Mr. GARD. Mr. Chairman, I ask to be admonished when I have used 10 minutes of my time.

Mr. Chairman and gentlemen of the committee, H. R. 13627 is founded on a bill approved March 3, 1919, to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers, sailors, and marines.

I am sure every one here would wish to afford every possible facility for the best possible care and treatment of all the disabled and wounded soldiers of the Great War, and in saying what I do about this bill I call attention to some of its provisions rather for information than for the purpose of opposition, so that we all may know just what the bill means.

The original law in section (e) provided that the sum of \$550,000 was authorized for the construction, on land owned by the Government on a site to be selected by the Secretary, of a hospital plant complete in the District of Columbia. Now, what I have observed regarding this, as well as the matter we had up yesterday, is that we are facing a tendency to expend great amounts of public money lightly and without consideration.

The time is now here when public expenditures must be looked after and considered in the light of their reason and of their necessity. If they be reasonable and necessary, I am sure there can be no objection. But here, under the guise of building a hospital for \$550,000 on land owned by the Gov-

ernment, the committee now come in with a proposition to amend that so as to provide for the purchase of outside land in the District of Columbia.

Mr. ELLIOTT. Will the gentleman yield?

Mr. GARD. I can not yield just at this time. It is proposed to take with this land not facilities for hospital purposes but facilities at their best for school purposes, and, of course, the two are not at all consistent. What is sought to be done now under the authorization of \$550,000 is to spend \$460,000 for an additional site, ground in the District of Columbia, and on top of that the proposition is to spend \$90,000 in addition, to take up the full appropriation of \$550,000, and then to take from other authorizations in the bill, in section 5, \$250,000, and in section 6, paragraphs 1 and 2, \$6,000 and \$154,000, all for these purposes, which together make up the sum of \$910,000.

I am not criticizing any of the real estate transactions in this case. I do not care to comment upon the report of the appraiser or the assessor and on what you are proposing to pay for the land, but I am commenting upon this proposition that no sooner does Congress give an authorization for certain purposes, such as affording a modern, up-to-date hospital at a cost of \$550,000 on Government-owned land for disabled and sick soldiers of the late war, than the Treasury Department comes in and wishes to expend an increased amount. We all recognize what the departments do. There is a strife in every department to make itself bigger, to get more things under its jurisdiction. So the Treasury Department now says that it can not find any place in the District of Columbia where land owned by the Government is a proper hospital site, and therefore we must buy new land, and that is what is proposed here.

Mr. LANGLEY. Will the gentleman yield?

Mr. GARD. Yes; I yield to the gentleman.

Mr. LANGLEY. I wish to state that the committee has for several months been engaged in holding hearings having for their primary purpose the cutting down of the expenditures and estimates that were presented to us and urged by the Public Health Service and the Secretary of the Treasury. If we had followed these we would have asked for a much larger authorization than this bill does. Furthermore, the estimates of the value of the property and the additional amounts required are based upon the recommendation submitted to the committee in detail by the department.

Mr. GARD. I do not dispute that the committee has been endeavoring to cut down these appropriations.

Mr. LANGLEY. A total of over \$8,500,000 was asked.

Mr. GARD. But the first evidence of it is that they not only do not cut down the appropriation, but they go outside and recommend additional appropriations. Here is what we are doing: Section 5 provides that the sum of \$300,000 be appropriated for a contract with any existing hospital or sanatorium. Out of that \$300,000 we take \$250,000 for this bill.

Section 6 provides for \$150,000 for emergency needs of the Public Health Service. We take \$6,000 of that. It provides \$150,000 for emergency fund for the purchase of lands and buildings. We take \$154,000 of that for this purpose, going outside of that which Congress has heretofore authorized, because when Congress appropriated \$550,000 it was supposed that that would erect here in the District of Columbia a splendid hospital building, put up for hospital purposes. Instead of that we now acquire for \$460,000 an old schoolhouse building site, and on top of that we propose to expend nearly \$500,000 in order to get the thing in shape.

Mr. CHINDBLOM. Will the gentleman yield for a question?

Mr. GARD. If I have the time I will.

Mr. CHINDBLOM. Has the gentleman seen this "old schoolhouse building site"?

Mr. GARD. Yes; I have.

Mr. CHINDBLOM. Your committee have been there and examined it in detail.

Mr. GARD. Yes; I know that. I appreciate that you have, and I do not refer to it in any offensive sense. I referred to it as an old schoolhouse building site, and that is what it was, because it belonged to this domestic-science school.

Mr. BROOKS of Illinois. Will the gentleman state when these buildings were built?

Mr. GARD. I do not know. My recollection is that I was up there at one time when it was called the Mount Alto Inn, I believe. My recollection is that there are three or four stone buildings up there that look like they have been there a long time. I do not know. They are not new buildings; they are old buildings.

Mr. BROOKS of Illinois. They were built probably three or four years ago.

Mr. CHINDBLOM. If the gentleman means that the site is old, I think he is correct, but the buildings are not old.

Mr. GARD. I will accept the judgment of the gentleman from Illinois.

Mr. MANSFIELD. Will the gentleman yield?

Mr. GARD. Yes.

Mr. MANSFIELD. I will state that the buildings are modern, fireproof, and that the partitions have already been rearranged until they are absolutely suitable for hospital purposes. I went all through them a week ago.

Mr. GARD. This is the point that I desire to call attention to. We appropriated \$550,000 in the act of March, 1919, a year ago, for a most excellent purpose, and now we are asked to advance that \$550,000 close up to the one million dollar mark. We are leaving our construction of the building on Government property and buying new property and not doing as we were instructed, constructing a new hospital, but revamping a school building more or less old for hospital purposes.

Mr. BROOKS of Illinois. Will the gentleman yield?

Mr. GARD. Yes.

Mr. BROOKS of Illinois. Will the gentleman tell us if the United States has any Government-owned land in the District of Columbia suitable for hospital purposes?

Mr. GARD. I do not know.

Mr. BROOKS of Illinois. The Government owns land down by the navy yard and around the Mall, which is all low land.

Mr. GARD. I am not conversant with the fact, but of course am willing to take the opinion of medical men. But this is not confined to the District of Columbia. It provides for a hospital plant in the District of Columbia or vicinity. In section (e), which the gentleman has before him, the sum of \$550,000 is appropriated for the construction on land owned by the Government of a hospital plant complete "in the District of Columbia or vicinity."

Now, my objection, if it be an objection, and I would not have it characterized as an objection if it hindered the bringing of remedial care to any soldier of the Great War, but what I desire to call attention to the membership of the committee and the House and of the country is that it seems to be the policy of the administrative function of this Government to crowd in everything they can; once getting the camel's nose under the tent, there is no question of the amount they seek to claim. That is what they are doing in this case. The appropriation of \$550,000 is changed in its meaning and intent and purpose. We leave all that now, buy new land, more land, which we possibly do not need, more room to expend money, put up more buildings, fix up the schoolhouse building, build it according to the latest standard, and possibly tear down some, and all under the guise of an appropriation which we now abandon and wholly change.

Mr. Chairman, I reserve the balance of my time, and I yield five minutes to the gentleman from New York [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Chairman, I would like to correct the impression which might possibly arise from the criticism of the gentleman from Ohio, who has so kindly yielded me time. In reference to his construction of the purpose of the bill, I would like to assure the Members of the House, and the gentleman from Ohio in particular, that it was never the intention of the committee in drafting this bill to give the Public Health Service any power to buy additional land other than that which is acquired under this act.

The paragraph of the bill on page 2 provides that the sums of \$250,000, of \$6,000, and of \$154,000 appropriated under section 5 of the act of March 3 are specifically limited to the improvement of this particular tract of land. There is no authority in this bill giving the Public Health Service or the Secretary of the Treasury any power to buy land outside.

Mr. GARD. It is the intention of the bill to give outside of the \$550,000 the sum of \$250,000 and \$6,000 and \$154,000 for the hospital improvements at Mount Alto.

Mr. GRIFFIN. That is the purpose of the bill, but I think the gentleman will admit that his comments would lead to a misapprehension as to the purpose of the bill. The money must be expended on these premises under the terms of the bill.

Mr. LAYTON. Will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. LAYTON. Has the committee made any effort to secure a proper site outside of the District of Columbia where land can be had very much cheaper?

Mr. GRIFFIN. No; under the act of March 3 we were specifically confined to Government-owned land.

Mr. LAYTON. I understood the gentleman from Ohio to say that you were not.

Mr. GRIFFIN. The gentleman from Ohio is wrong if he said that. Under section (e) of the act of March 3 the Public Health Service is required to build a hospital within the District of Columbia on Government-owned land.

Mr. LAYTON. Will the gentleman allow me to read the provision?

Mr. GRIFFIN. Yes.

Mr. LAYTON (reading):

(e) The sum of \$550,000 is hereby authorized for the construction, on land owned by the Government, on a site to be selected by the Secretary of the Treasury, with the approval of the President, of a hospital plant complete in the District of Columbia or vicinity.

Mr. GRIFFIN. The Secretary of the Treasury has construed that to mean the District of Columbia. The term "vicinity" really gave no latitude, because the Government owns no land in the vicinity that is not preempted for other purposes. The search for a suitable site, however, embraced both the District and vicinity. The Government-owned land, for instance at Tacoma, was reserved and occupied for hospital purposes by the War Department for the benefit of men in the service. The Public Health Service can only extend its beneficence to the discharged soldier.

Mr. CHINDBLOM. Did not the fact that these buildings are ready for occupancy at once enter into the consideration?

Mr. GRIFFIN. Yes; they are occupied, and I will say that that fact made this project appeal to us as a purely business proposition. The Secretary of the Treasury could not secure a tract of land on which a hospital could be constructed in the District of Columbia or in the immediate vicinity. He did find this tract of land upon which there were buildings already erected which can be used for hospital purposes. He acquired the property by lease and immediately put it into good use. By this act of forethought he was able to give hospital accommodation to discharged soldiers a full year ahead of the time in which a complete hospital structure could be erected.

Now, as to the price to be paid for the land and buildings. This committee felt that it could not afford to assume any responsibility on that head and refused to dicker with the owner as to price. We put it up to the Secretary of the Treasury to arrange the terms of the deal and advise us of the result of his negotiations, with his recommendations. His report, as contained in his letter of March 23, 1920, to the chairman of our committee, was couched in the following language:

And concurring in the statements of the Surgeon General of March 23, hereto attached, I have the honor to transmit herewith a proposal from the National School of Domestic Art and Science (Inc.) to sell to the Government their property now under lease to the United States for the sum of \$460,000, and to recommend that the legislation providing for a hospital within the District be so amended as to permit the purchase of this property and the further extension and improvement of the accommodations thereon as may be necessary to meet the needs of the Public Health Service for hospital accommodations in the District of Columbia.

Respectfully,

D. F. HOUSTON, Secretary.

I wish to add further that his recommendation was based upon no idle or hasty assumption. He had the architect of the Public Health Service make a very careful and painstaking appraisal and estimate of the cost of reproducing the structures as they stood. His appraisal showed that it would cost \$289,920 to reproduce the buildings and equipment as they stood, taking into account all proper deductions for depreciation. This left the demand for the land \$170,080. Whether this is too high or not I do not pretend to know. We purposely kept our hands off that question, preferring to leave it to the discretion and judgment of the highest financial officer in our Government. His estimate is good enough for me, and the fact that he thinks it fair and reasonable entitles his recommendation to respect. And I would not set up against his judgment the fact that the property happened in 1918 to have been assessed for the amount mentioned by the gentleman from Texas [Mr. LANHAM]. We can all take judicial notice of the fact, I venture to say, that real estate assessors in the District of Columbia have been more than commonly indulgent to landlords, much more so than they have been either to their tenants or intending purchasers.

Mr. LANGLEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LANGLEY. I yield five minutes to the gentleman from Kansas [Mr. TINCER].

Mr. TINCER. Mr. Chairman and gentlemen of the committee, I am somewhat impressed with the statements of the gentleman from Ohio [Mr. GARD]. Of course, no one is going to vote against this bill, because it provides for the purchase of a hospital. The men in charge of the department have said that we must have it for the use of the soldiers, and we will all vote for it, but to the extent of these departments wedging in when you give them a chance, I agree with the gentleman from Ohio. I do not believe that we have any better example of that, or ever will have, than what has recently happened here in the city of Washington. In April the Secretary of War appeared before the Committee on Military Affairs and recommended that

the surplus of the nitrate of soda then on hand in possession of the Government—100,000 tons—be loaned to the trust. I was in the Committee on Agriculture at the time that happened, when members from the Committee on Military Affairs came into the Committee on Agriculture and asked us what we knew about it, that being a product which is used in the manufacture of fertilizer. The gentleman from New Jersey [Mr. HUTCHINSON], a member of that committee, knew all about it. He said, "You do not want to do that," and he took his lead pencil and fixed the resolution so that it was all right, because it provided that the Government should sell the nitrate now, at a time when the price for it is higher than it has ever been or ever will be again. He said, "We either ought to reduce the price and sell to the farmers at a reasonable rate, or, looking at it from a commercial standpoint, sell it for what it is worth and put the money into the Treasury." The resolution provided that we should not loan it but should sell it in lots of not less than 1 ton or more than 100 tons. What has the War Department done? They have entered into a written agreement with the trust, the three men, by which they have sold it to them ostensibly at a rate of \$80 per ton, allowing them \$890,000 for handling it, but they have not sold it to them, because they have bought it back next June, a year from this, for \$80 a ton. They are making the trust a present of \$4,000,000 based on any reasonable hypothesis as to what this nitrate will be worth at that time. Every man knows that, and the department has just simply ignored the act of Congress and ignored our rights to pass laws, has violated its obligations, if it has any, toward the people, toward the Government, and is standing in with that profiteering combination, and in my remarks I shall name them, and in my remarks I shall print a copy of the contract and I shall call upon the Department of Justice of the United States to bring action to nullify the contract and prevent this fraud on our Government. That contract was entered into on the 11th day of this month, and it can still be stopped.

If the Department of Justice is against profiteering and against the trust and for the people and for the Treasury, if the things that department says are not idle words, then that action will be brought. There is not a lawyer in this House who, if this would happen in his State and he held a prosecuting office, would bring suit and stop that unfaithful officer, such as the Secretary of War—this conscientious Secretary of ours. He would stop him from absolutely doing what he wanted to and what the law we passed says he shall not do. Some may say that it has nothing to do with profiteering. Let me tell you. He has set the price of this product that goes into fertilizer, for one year from now, at \$80 a ton, a higher price than ever was paid. He has fixed that price. That price fixing has only one equal in history, and that is the price fixing by the Department of Justice on sugar. It is in the interest of the profiteers, against the people, against the Government, against the taxpayers, and I call upon the Department of Justice, if there is one iota of sincerity in the make-up of that department, to bring action to prevent this nefarious fraud upon the people. I propose to put all of these documents into the Record. [Applause.]

The copy of the resolution passed by Congress is in the contract. The three firms are Wessel Duval, 28 Broad Street, New York; W. R. Grace & Co., New York; and J. H. Baker & Bro., New York.

These three firms get the 100,000 tons. Congressman HUTCHINSON performed a good service for the farmer and his country. The Secretary of War stood against him, and, with the three companies having a monopoly on this product, they have nullified the law and acted for the profiteers.

A copy of the contract follows:

[War-Ord-O-PM-13-146-a. Wessel Duval & Co. and United States of America. Ordnance Department, United States Army. Contract for the sale of nitrate of soda under Senate joint resolution No. 180, and the replacement thereof. Dated May 10, 1920. BHH: mch.]

This agreement, entered into this 10th day of May, 1920, by and between Wessel Duval & Company, a copartnership, having its general office at No. 25 Broad Street, New York City, New York (hereinafter called the contractor), party of the first part, and the United States of America, acting through and represented by R. H. Hawkins, lieutenant colonel, Ordnance Department, United States Army (hereinafter called the contracting officer), acting under the authority of the Secretary of War and by direction of the Chief of Ordnance, United States Army, party of the second part,

Witnesseth:

Whereas the Congress of the United States has enacted and the President has approved as of April 23, 1920, a Senate resolution No. 180, which provides:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to meet the existing emergency in the shortage of fertilizers the Secretary of War is hereby authorized to sell for cash at the prevailing market price, at the time of the sale thereof, to such distributors or users thereof in the United States as shall request the same and in such quantity to each, not less than one ton nor more than one hundred tons to any purchaser as he shall see fit, not to exceed in the aggregate one hundred thousand tons of nitrate of soda now held as a reserve supply of

the War Department, the proceeds of such sale to be repaid to the proper item of the current appropriations originally made for such purposes: *Provided*, That the Secretary of War shall report to Congress not later than December 6, 1920, the names of all purchasers of said nitrate of soda, together with the prices for which sold."

Whereas by direction of the Secretary of War and through circular advertisements for proposals, persons, firms, corporations were invited to submit proposals for the sale to distributors and users prior to October 1, 1920, in amounts not to exceed one hundred (100) tons or less than one (1) ton, to any purchaser, a supply of nitrate of soda belonging to the United States, not to exceed one hundred thousand tons (of 2,000 lbs. per ton), and to replace the amount so sold subsequent to December 1, 1920, and prior to June 30, 1921; and

Whereas the lowest and best bids were submitted by Wessel Duval and Company, W. R. Grace and Company, and H. J. Baker & Brothers, as per copy of proposal dated May 6, 1920, hereto attached and made a part hereof, marked Exhibit "A"; and

Whereas in accordance with said invitation and proposal an award for the furnishing of the services and the delivery of the materials has been made to Wessel Duval & Company, W. R. Grace & Company, and H. J. Baker & Brother, as per copy of notice addressed to the said bidders under date of May 8, 1920, copy of which notice is hereto attached and made a part hereof, marked Exhibit "B."

Now, therefore, under the laws of the United States in such cases made and provided, and particularly under the provisions of the Senate resolution hereinbefore recited, and in consideration of the mutual agreements herein contained, the said parties have agreed as follows:

ARTICLE I. The contractor agrees that it will, acting as agent for the United States, sell nitrate of soda for cash and dispose of the same prior to October 1, 1920, at the prices hereinafter specified, to such distributors and users of nitrate of soda in the United States as shall request the same (selling, however, not less than one ton nor more than one hundred tons to any purchaser). The contractor shall not sell or dispose of any amount which, together with the amount to be disposed of by W. R. Grace & Company and H. J. Baker & Brother, shall exceed an aggregate of one hundred thousand tons of nitrate of soda. The contractor shall not be required to sell and dispose of more nitrate of soda than is requested by the respective distributors and users who shall apply for or request the delivery of nitrate of soda within the meaning of Senate joint resolution No. 180, and within the terms and meaning of this contract. The contractor shall sell for cash, nitrate of soda at a selling price of \$88.90 per ton of 2,000 lbs., f. o. b. cars at warehouse. It is understood that the nitrate of soda available for sale and disposition under the terms of the said Senate joint resolution is available as and when released by the office of the Chief of Ordnance at the points mentioned below and in the amounts enumerated below, although the amounts are stated without exactness, but only in approximate figures. The said points and approximate amounts are as follows:

| | Pounds. |
|------------------------------|-------------|
| Nitro, West Virginia----- | 36,252,000 |
| Brunswick, Georgia----- | 7,356,000 |
| Hopewell, Virginia----- | 114,000,000 |
| Fernandina, Florida----- | 3,828,000 |
| Galveston, Texas----- | 4,928,000 |
| Jacksonville, Florida----- | 22,780,000 |
| Little Rock, Arkansas----- | 17,000,000 |
| Mobile, Alabama----- | 11,356,000 |
| Mt. Union, Pennsylvania----- | 6,216,000 |
| Pensacola, Florida----- | 15,616,000 |
| Tampa, Florida----- | 8,840,000 |

No warranty or representation is or shall be made as to the condition or quality of the nitrate of soda to be sold to distributors or users.

ARTICLE II. The contractor shall, in the first instance, assume and pay all necessary cost for bagging, weighing, reconditioning, shipping, and similar incidental expense (including clerical work) of placing nitrate of soda so sold on board cars at the respective points of present storage. It is estimated that the cost for bagging, weighing, reconditioning, shipping, etc., will be approximately \$0.0033 per pound, but this estimate shall be subject to modification by written notice from the contracting officer as the estimate needs or requires modification in the light of experience. The United States shall (by credit or payment as provided in Article VIII hereof) reimburse the contractor for the proper items of expense for such bagging, weighing, reconditioning, shipping, etc., in the amount actually expended therefor, as determined by an audit and investigation, to be conducted on behalf of the United States, of the books, accounts, invoices, and vouchers of the contractor, and the contractor agrees to keep and preserve for such audit all books, accounts, invoices, and vouchers necessary for the proper determination of such cost.

ARTICLE III. The United States shall pay to the contractor for its services as agent in so selling and disposing of nitrate of soda a fee or commission of 2½% computed on the selling price f. o. b. cars at warehouse. The price or sum of \$88.90, mentioned in Article I, is hereby fixed as the price at which nitrate of soda shall be sold to the distributors and users until such time as the contractor shall be notified in writing by the contracting officer that a different sum is to be charged for nitrate of soda sold thereafter to distributors or users.

ARTICLE IV. Title to nitrate of soda so sold to distributors and users shall pass upon loading f. o. b. cars at warehouse as evidenced by invoices, shipping receipt, or bill of lading, and the quantity shall be determined by the weights appearing on such invoices, bill of lading, or shipping receipt.

ARTICLE V. The contractor agrees that as a part of the consideration to sell and deliver to the United States the United States agrees to buy, receive, and pay for nitrate of soda of equal quality and nitrogen content in an amount equivalent to the nitrate of soda sold by the contractor to users and distributors in accordance with the said Senate resolution, to the end that all nitrate of soda sold prior to October 1, 1920, by the contractor shall be replaced by nitrate of soda of equal quality and nitrogen content. The nitrate of soda so replaced shall be delivered ex vessel or ex store at Mobile, Alabama, subsequent to December 1, 1920, and prior to June 30, 1921. The contractor shall pay and assume all expenses, including demurrage, accruing prior to delivery, ex vessel or ex store. The said replacement nitrate of soda shall be sacked in customary bags. The United States shall pay to the contractor as a just and fair compensation for such replacement nitrate of soda, four dollars (\$4.00) per hundred pounds, ex vessel or ex store, Mobile, Alabama, and payment shall be made upon the usual Government voucher for deliveries as made from time to time.

ARTICLE VI. The contractor shall not be held responsible for delays in delivery of replacement nitrate of soda in the event of the closing of

the Panama Canal by slides or otherwise, and the delivery time shall be extended by a time equivalent to the number of days the Panama Canal may be closed to navigation through the period extending from November 15, 1920, to June 15, 1921.

ARTICLE VII. The contractor shall require each person, firm, or corporation applying for nitrate of soda to certify that the aggregate amount of nitrate of soda requested, together with the amount theretofore sold, to such person, firm, or corporation out of the United States reserve stock does not exceed one hundred tons.

ARTICLE VIII. The contractor shall submit a weekly report to the Office of the Chief of Ordnance setting forth the name and address of each purchaser of nitrate of soda to whom nitrate of soda has been sold under the provisions of this contract, together with the amount of nitrate of soda so sold and the price at which sold, and the designation of the point from which shipment or delivery was made.

The contractor shall make payment to such officer or agent as the Chief of Ordnance or as the contracting officer shall designate in writing on or before the twentieth day of each month and in funds acceptable to the United States at Washington, D. C., for the amount of nitrate of soda sold during the preceding month. Such payment shall be at the rate of four dollars (\$4.00) per hundred pounds of nitrate of soda sold, and payment shall be made to the order of the Treasurer of the United States for deposit to the credit of the appropriation designated "Armament of fortifications 'C,'" no year. As soon as practicable after October 1, 1920, the contractor shall make a complete detailed report of all expenses incidental to the sale of the nitrate of soda for bagging, weighing, reconditioning, shipping, and similar items referred to in Article II of this agreement, and if the amount of such items or expenditures shall be less than the amount retained by the contractor (exclusive of the fee or profit of 2½%) the contractor shall refund and repay to the United States the amount of such excess in funds acceptable as aforesaid and payable as aforesaid, and in the event that the amount actually expended for said items (plus the fee or profit of 2½%) is in excess of the said retained amount, the United States will pay to the contractor the amount of such excess.

ARTICLE IX. The contractor shall give a proper surety bond conditioned upon the full and faithful performance by the contractor of all of the terms and conditions upon its part to be kept and performed under the terms of this contract, and conditioned particularly upon the payment to the United States of the proceeds of the sale of nitrate of soda, and further conditioned particularly upon the replacement of the nitrate of soda. The bond shall be in such form and with such sureties as shall be approved by the contracting officer, and shall be in the penal sum of fifty thousand dollars (\$50,000.00). The contractor may, with the approval of the contracting officer, deposit so-called Liberty bonds issued by the United States in par or face value of \$50,000.00, and these bonds shall remain as a pledge or security for the faithful performance by the contractor, and such Liberty bonds, if deposited, shall be taken and considered in lieu of surety upon said performance bond, and such Liberty bonds shall be returned to the contractor upon the contracting officer's certificate in writing that the contractor has performed the terms and conditions of this contract.

ARTICLE X. No Member of or Delegate to Congress, or Resident Commissioner, is or shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this article shall not apply to this contract so far as it may be within the operation or exceptions of section 116 of the act of Congress approved March 4, 1909 (35 Stats., 1109).

ARTICLE XI. Neither this contract, nor any interest herein, shall be transferred by the contractor to any other party, except to the extent permitted by section 3477, United States Revised Statutes.

ARTICLE XII. Except as herein otherwise specifically provided, any doubts or disputes which may arise under this contract or as to its performance or nonperformance shall be referred to the Chief of Ordnance for determination. If the contractor shall feel aggrieved at his decision, it shall have the right to appeal to the Secretary of War, whose decision shall be final.

ARTICLE XIII. The members of the copartnership of Wessel, Duval & Company are George L. Duval, Teodosio F. Bridge, Robert Jaffrey, Guillermo E. Purcell, Harry L. Wessel, Thomas Peake, Paul W. Alexander, Edmund Eastman, Anson McLoud, Pedro M. Wessel, Elizabeth F. Parker. This contract shall, however, bind and benefit the present firm and its successors regardless of any change in the membership thereof, as well as the individual members of said firm and their legal representatives and assigns.

ARTICLE XIV. Whenever in this contract the words hereinafter enumerated are used, they shall mean what is set opposite them:

Contractor: The party of the first part and its legal representatives, successors, and assigns.

Chief of Ordnance: The Chief of Ordnance, the Acting Chief of Ordnance, or any duly authorized representative of either.

Contracting Officer: The officer in whose name this contract is executed, his successor or successors, his or their duly authorized agent or agents, and any one from time to time designated by the Chief of Ordnance to act as contracting officer.

In witness whereof, the parties hereto have caused this contract to be executed in quadruplicate, and the firm of Wessel, Duval & Company has caused this to be executed by a member of the firm duly authorized, and the United States has caused this contract to be executed by its contracting officer, the day and year first above written.

Signatures:

WESSEL, DUVAL & COMPANY.
By _____, Member of Firm.
UNITED STATES OF AMERICA,
By _____,
R. H. HAWKINS,
Lt. Col. Ord. Dept., U. S. A., Contracting Officer.

Witnesses:

EXHIBIT A. NEW YORK, May 6, 1920.

COMMANDING OFFICER,
Ammunition Division, Ordnance Department,
Room 6-300, Building B, Sixth and B Streets NW.,
Washington, D. C.

Attention Col. J. H. Pelot.

DEAR SIR: The undersigned offer to act severally as agents of the United States to distribute for its account not to exceed 100,000 tons, or any part thereof, of nitrate of soda to which reference is made in circular advertisement and proposal published by you as of May 1, 1920, under the following terms and conditions.

We will endeavor to dispose of the entire quantity of 100,000 tons, but assume no obligation to distribute all or any part thereof, nor responsibility for inability to sell at the price and terms fixed by the United States.

The nitrate of soda distributed by us is to be sold at a price to be published by the War Department; in fixing the selling price it is understood the department proposes to take the cost of replacement as hereinafter named by us and add thereto the cost to the Government for bagging, reconditioning, shipping, and contingent expenses, amounting to 33 cents per pound plus the successful bidder's commission as agent. It is understood that sales are to be made to distributors and users desiring same prior to October 1, 1920, in amounts not to exceed 100 tons, or less than 1 ton to any purchaser. The title to nitrate shall pass on loading as evidenced by bill of lading, and the Government selling price to be basis f. o. b. cars. The Government is to allow the successful bidder 33 cents per pound on all nitrate sold to cover cost of weighing, bagging, reconditioning, etc., but any cost in excess of this amount is to be absorbed by the agent.

We are to receive a commission of 2½ per cent on all nitrate of soda sold by us hereunder. As a part of our understanding we offer to replace ton for ton of nitrate of soda of equal quality and nitrogen content, any nitrate so sold and distributed by us individually; in other words, replacement is to be made by us individually and separately, in proportion, quality and quantity equal to the amount sold and distributed for the Government by each of us. Replacement is to be made at \$4 per hundred pounds, ex-vessel or ex-store, Mobile, Ala., subsequent to December 1, 1920, and prior to June 30, 1921. In the event of the closing of the Panama Canal by slides or otherwise the delivery time to be extended for a time equal to the number of days canal is closed to navigation.

Very truly, yours,

W. R. GRACE,
By
H. J. BAKER & BRO.,
By
WESSEL DUVAL & CO.,
By

EXHIBIT B.

Messrs. WESSEL, DUVAL & CO.,
H. J. BAKER & BRO.,
W. R. GRACE & CO.,
New York City.

Subject: Ordnance proposal 13-13, nitrate of soda.

GENTLEMEN: 1. I am directed by the chief of manufacture to advise you that ordinance proposal 13-13, known as agency proposal for the sale and replacement of not more than 100,000 tons of subject material, was opened at the hour advertised, and it has been tentatively decided to name you to act severally as agents of the United States, to distribute for its account the said amount of nitrate of soda, conditioned on the approval of the action taken by this division of the advisory purchase board of the Ordnance Department.

2. It is further understood that the amount of 33 cents per pound is a handling cost, used solely for the purpose of arriving at a selling price to be published by the War Department. If the actual cost of weighing, reconditioning, loading, and contingent expenses at any point is less than 33 cents per pound, the Government is to receive the benefit of any saving effected at such point; on the other hand, if said costs exceed the figure, then the Government will absorb same.

3. Should a contract be placed with you severally, paragraph 3 of your letter of May 6 is to be incorporated in same and to form a part of said contract.

4. This letter is not to be construed as authority to proceed as agents, and you are advised that any expense to which you may go prior to receipt of a contract from the contract section of the Ordnance Department is to be at your own risk.

Respectfully,

(Signed) J. H. PILOT,
Colonel, Ordnance Department, United States Army,
Chief Ammunition Division.
By J. H. HUNTER,
Major, Ordnance Department, United States Army,
Chief Explosives Section.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That paragraph (e) of section 7 of the act approved March 3, 1919, entitled "An act to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers, sailors, and marines," is hereby amended to read as follows:

"(e) The sum of \$550,000 is hereby authorized for the purchase of the land and buildings of the National School of Domestic Arts and Science, located at 2650 Wisconsin Avenue, in the District of Columbia, now under lease to the United States Government as a hospital, and for the construction of such additions and improvements thereto as may be necessary to suitably adapt them to the needs and purposes of the Public Health Service: *Provided*, That the purchase price of said land and buildings shall not exceed \$460,000: *Provided further*, That in addition to the \$550,000 hereby authorized, the sum of \$250,000 from the amount appropriated by section 5 of the act hereby amended and of \$6,000 and of \$154,000 from the amounts appropriated by section 6, paragraphs 1 and 2, respectively, of said act, are hereby made available for the above-mentioned purposes and shall remain available until expended."

Mr. ELLIOTT. Mr. Chairman, I move to strike out the last word. I am a member of the Committee on Public Buildings and Grounds, which has had the handling of this bill. I am not in favor of locating all of the public institutions of this country within the District of Columbia, but this institution is one that will have to be located in the District because it is needed here and has nothing whatever to do with the hospitals that we will have to build in other parts of the country to take care of the soldiers of the late war.

I am unacquainted with the value of real estate in the District of Columbia. I have an idea, however, that this land is

being sold to the Government for all it is worth. Notwithstanding that fact, I believe it is about as good a proposition as we can get for a hospital in the District. The Secretary of the Treasury looked all over the District and said that he could not find any land owned by the Government which was suitable as a site for a hospital for these soldiers. He found this proposition and recommended that it was the best that he could do.

Mr. NOLAN. Mr. Chairman, will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. NOLAN. Some time ago—a couple of years ago—we bought a considerable lot of land out there close to the Walter Reed Hospital for hospital purposes. Is it not possible that we could enter into some arrangement with the War Department, that has control of that property, to get enough of it to locate this hospital upon it.

Mr. ELLIOTT. In answer to the gentleman from California I will say this: Whenever you start to encroach on any bureau or department of this Government you have a fight on your hands. The Secretary of the Treasury had the right to utilize any property inside of the District of Columbia that he could get hold of for the use of this hospital, and he comes back and reports to this committee that he can find no Government-owned land that is suitable for it. I do not know whether he tells the truth or not, but I presume that that is his judgment upon it.

Mr. NOLAN. If anybody goes out to the Walter Reed Hospital and goes over that land, sizes up the situation, then he knows that we have got to get rid of a lot of those shacks that we built during the war, and also that we have hundreds of acres of land out there available for hospital purposes.

And if it is a question of going into this thing as between department and department and bureau and bureau, then we ought to have something to say when it comes to a matter of almost a million dollars.

Mr. ELLIOTT. I agree with the gentleman from California that we ought to get these departments by the ears and crack their heads together [laughter], but we have not time to do it with this proposition. This hospital is needed for the care of these boys, and needed at once, and it is ideally located, and the buildings are now being used for hospital purposes and it can be easily enlarged to make it an ideal hospital.

Mr. LANGLEY. I was just going to call attention to the fact that in connection with the difficulty of attempting to trench upon the jurisdiction of different departments the gentleman will recall that Secretary Baker was before our committee and his attention was called to the fact that there were several unoccupied Army posts, and we endeavored to get permission from him, or rather from his department, to use some of them for these disabled soldiers, and we were unable to make any progress with him except to get a revokable permit, and that on the condition that no tubercular patients should be put in there.

Mr. ELLIOTT. That is right.

Mr. LANGLEY. That is one of the difficulties we have encountered in reference to this question.

Mr. ELLIOTT. We have run up against all sorts of difficulties in the handling of this hospital proposition. We had the Secretary of War before the committee—

Mr. LANGLEY. Two or three times.

Mr. ELLIOTT. And we tried to get him to consent to the use of two abandoned Army posts, Fort McKenzie and Fort Meade, two posts which cost this Government millions of dollars to build and are located in such places that the surroundings are healthy, with a vast amount of land surrounding them for grazing purposes, and all we could get out of him was this, that under this new Army reorganization bill all of this space will have to be utilized to take care of the soldiers that we would have under this new Army reorganization, and the only thing they could do would be to give to the Public Health Service a revokable permit to use this. In other words, it is a permit that they could take away from them the next day, after they got started. And I want to say those two Army posts have been lying vacant for years with nobody there looking after them except a few soldiers as caretakers. But that has nothing to do with this proposition. We need this hospital in the District, and need it right here, and it is as good a site as there is in the District of Columbia, so far as I know.

Mr. MANN of Illinois. Will the gentleman yield for a question?

Mr. ELLIOTT. Yes.

Mr. MANN of Illinois. Did the gentleman's committee have this property appraised as to its value?

Mr. ELLIOTT. It did not; not that I know of.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ELLIOTT. I ask for two more minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ANDREWS of Nebraska. If the gentleman will permit, that point was laid with the Secretary of the Treasury as the executive officer to make the negotiations in regard to the purchase of the property, and upon his recommendation, as stated in the communication here, your committee based its action after ascertaining that this was the most economical proposition in sight.

Mr. MANN of Illinois. That does not control, of course.

Mr. ANDREWS of Nebraska. I understand.

Mr. MANN of Illinois. The statement is made here that the appraised value of their property is less than \$200,000. Of course, any investigation made by the Secretary of the Treasury was made by the Public Health Service, and unless they got some experts I have my doubt as to their special qualifications for judging the value of the property, and I inquire whether there was any actual valuation made of this property by anybody who knew the value of the property?

Mr. ELLIOTT. The question of what the property was assessed at for taxation cuts very little figure in regard to its actual value. I have a piece of property of my own that was assessed at \$3,500, and I have refused \$7,000 for it.

Mr. MANN of Illinois. I know; but the gentleman knows the value of his property.

Mr. ELLIOTT. And all the property right in the neighborhood was assessed the same way, but that does not control as to value. I do not know whether this property is worth this much, and I do not pretend to know.

Mr. MANN of Illinois. The gentleman does not know, and I think we are entitled to know something as to whether somebody who does know the value of the property has made the appraisalment of its value.

Mr. ELLIOTT. They have not, as far as I know.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BLANTON. Mr. Chairman, I move to strike out the last two words in order to get the floor. I do this for the purpose of getting some information, if possible, from the gentleman from Kansas [Mr. TINCER]. I remember when this nitrate bill was before the House on April 10 there was insistence made by a number of us, including the gentleman from Delaware [Mr. LAYTON], the gentleman from South Carolina [Mr. BYRNES], the gentleman from Mississippi [Mr. QUIN], and others, to put into that bill certain safeguards that would protect the individual farmer in getting this nitrate in small quantities at a reasonable price. If the gentleman from Kansas who brings this criticism against the War Department will say that such a contract has been entered into right in the teeth of the legislation passed by this House, why I would join with the gentleman in the criticism; but I would like to know whether the gentleman from Kansas can advise the House whether there is any farmer who has ever applied to the War Department for any nitrate under the provisions of this act whose request was turned down and refused?

Mr. TINCER. Yes, sir; a Member of Congress, one of my colleagues, wrote a letter May the 6th trying to buy the limit of 100 tons of nitrate from the department, and the department did not answer the letter until the 11th, and answered that on the 8th they had sold all to the trust—

Mr. BLANTON. Well, I can understand—

Mr. TINCER. That is one case I know of.

Mr. BLANTON. I can understand why the Secretary of War turned down the request of a Member of Congress to buy 100 tons of nitrate from the Government, because a Member of Congress did not have any right to do it. We can not take advantage of legislation that we pass here ourselves, and we ought not to try to do it—

Mr. TINCER. The gentleman asked—

Mr. BLANTON. I want to ask if the farmers over the country, for whose benefit we passed that legislation—have they ever made any application to buy a ton or more and been turned down by the War Department?

Mr. TINCER. Well, the gentleman knows I have been here, and I have not been with the farmers; but I do know gentlemen insisted on this safeguard in respect to buying the small amount of 1 ton and that there could not be over 100 tons sold to any one man.

Three companies or three disbursers have bought 100,000 tons of it, and they got a contract, and I have a copy of the contract that the Government should take it back.

Mr. BLANTON. I hope the distinguished gentleman from Kansas, who is a member of the Agricultural Committee, which

stands here as a protector of the farmers' interests of this country, will take some steps through his party, which has charge of the legislation of this country at this time, to stop such an unlawful contract, if such a one exists.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent for two minutes more.

Mr. LAYTON. Mr. Chairman, I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Delaware asks unanimous consent that the gentleman from Texas be permitted to proceed for five more minutes. Is there objection?

Mr. LANGLEY. Mr. Chairman, I am not going to object, but I want to finish this bill as soon as we can. A member of the committee wants to talk for a few minutes, and I want to ask unanimous consent to close debate on this paragraph in 10 minutes, 5 of it to be consumed by the gentleman from Texas.

The CHAIRMAN. The gentleman from Kentucky prefers a unanimous-consent request that the debate on this paragraph close in 10 minutes.

Mr. LANGLEY. And amendments thereto, five of which shall be used by the gentleman from Texas [Mr. BLANTON] and five by the gentleman from Texas [Mr. MANSFIELD].

Mr. McKEOWN. Reserving the right to object, does that cut off debate on any additional amendment?

The CHAIRMAN. The Chair will state that it will not cut off offering an amendment, but it will cut off further debate.

Mr. McKEOWN. I have an amendment to offer to the paragraph, and I would like to have two or three minutes to explain it. I do not care to take up the time of the committee at all.

Mr. LANGLEY. I will modify that and make it 15 minutes.

Mr. CROWTHER. Make it 25 minutes.

Mr. LANGLEY. I will make it 20 minutes, then.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the debate on this paragraph and all amendments thereto close in 20 minutes. Is there objection?

Mr. CROWTHER. I object.

Mr. LANGLEY. If the gentleman insists upon being heard, I will make it 25 minutes. I will amend the request.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that all debate on this paragraph and amendments thereto close in 25 minutes. Is there objection?

Mr. LANGLEY. The time to be controlled by the Chair.

The CHAIRMAN. The Chair hears no objection.

Mr. BLANTON. Mr. Chairman, just a moment. I promised first to yield to the gentleman from Kansas [Mr. TINCER] and then to the gentleman from Delaware [Mr. LAYTON].

Mr. TINCER. The gentleman hopes that as a member of the Agricultural Committee I will try to remedy this wrong. I want to call the gentleman's attention to this, that we have the law, and I am a little out of the practice of law, but I would give anything if I could step into the Department of Justice, as crude as I am, and bring an action against the Secretary of War for violating the law, squandering the people's money, and encouraging the profiteers.

Mr. BLANTON. The gentleman can go into the courts as a citizen of this country and ask that any department be enjoined from making an illegal contract—restrain the carrying out of an unlawful contract.

Mr. LAYTON. Now, there are some of us that stood here in the interests of agriculture, and the gentleman from Texas [Mr. BLANTON] is one of them.

Mr. BLANTON. I mentioned that a moment ago. I mentioned that the gentleman from Delaware [Mr. LAYTON], and the gentleman from South Carolina [Mr. BYRNES], and the gentleman from Mississippi [Mr. QUIN], and several others, sought to protect the farmers with this measure when it was before the House.

Mr. LAYTON. We sat here to protect the farmer at a time when production was being lessened, and when we were all interested in increasing production, for the reason that everybody knows. But I want to ask the gentleman this question, namely: Why is it that he eternally and constantly blames the Republican side of this House when we pass laws and when the administration here will not execute the laws, but stands silent and allows the laws to be absolutely nullified?

Mr. BLANTON. I will answer the gentleman. I said a moment ago that if the Secretary of War has disobeyed the mandate of Congress with respect to this nitrate bill and has made this unlawful contract he ought to be condemned for it, and if such were the fact that I would join in the criticism. But in answering the other part of the question of the gentleman from Delaware, I am not in favor of the Congress continually "passing the buck." Whenever there is a question that involves our

action, whereby we can protect the people's rights by proper action, I do not believe we ought to sit here like a bunch of ninnies and not do our duty and criticize somebody else.

Mr. LAYTON. Just a moment. I do not understand the logic by which you assume that this body here has got both legislative power and executive power.

Mr. BLANTON. Well, we could have put some directory provisions in that bill.

Mr. LAYTON. We put every directory provision in it that we thought necessary.

Mr. BLANTON. There were one or two proposals that were not looked upon with favor.

Mr. TINCER. We did not "pass the buck" this time.

Mr. MANSFIELD. Mr. Chairman and gentlemen of the committee, I have not had occasion recently to make any investigation of fertilizers, but I have had some occasion to look into this question of hospitals, which our wounded and diseased soldiers are now very much in need of. The buildings that are proposed to be purchased by this bill are located upon the highest point in the city of Washington, a place that the Surgeon General of the Public Health Service informed the committee was an ideal spot in point of public health for the location of such an institution. It would be a crime for this Congress to locate hospitals for the care of our sick soldiers and put them down here upon the swamps simply because the Government now owns the land there.

Mr. HUDSPETH. Will the gentleman yield there?

Mr. MANSFIELD. Certainly.

Mr. HUDSPETH. I agree with my colleague this hospital ought to be established, but I want to ask him if there is any special reason why it should be established here in the District of Columbia, where the land costs an excessive price, it seems to me?

Mr. MANSFIELD. I will state to the gentleman that the price contemplated by this bill includes five first-class stone buildings, already completed, now occupied, and soon will be open for several hundred more patients—buildings that were erected before the war-time prices prevailed. I doubt seriously if you can construct buildings such as these to-day, under the prices of material and the cost of labor that now prevail in this city and around here, for the money that is provided for in this bill, even on land owned by the Government.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield for a suggestion?

Mr. MANSFIELD. Certainly.

Mr. GRIFFIN. The reason why the proposed hospital is to be in the District of Columbia is due to the fact that Congress has already directed the placing of it there under the act of March 3, 1919.

Mr. LANGLEY. Yes; and the money can not be expended anywhere else under that act.

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. MANSFIELD. Yes.

Mr. MURPHY. Are these stone buildings constructed in accordance with the latest developed ideas with reference to taking care of tubercular patients?

Mr. MANSFIELD. It is not to be a tubercular hospital, but these buildings have the approval of every physician connected with the Public Health Service. I can only take their word. I think perhaps they know more about it than I do or than any other layman does. The surgeons of the Public Health Service and every physician connected with that service, including Col. Rucker, the public-health adviser connected with the War Risk Insurance Bureau, approve of this as an ideal group of buildings and an ideal location for the purpose. They are all arranged with proper accommodations, and the construction is fireproof, and these buildings are absolutely suitable for hospital purposes.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. MANSFIELD. Certainly.

Mr. LAYTON. I am not opposed, of course, to this measure, but did the committee as a matter of fact look outside of the city of Washington, where prices are very high, to find a site for this hospital?

Mr. LANGLEY. The law confines it to the District of Columbia.

Mr. LAYTON. Is that the law? If so, I did not read it correctly. It says "in the District of Columbia or vicinity." Now, "in the vicinity" of the District of Columbia is not necessarily in the city of Washington.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield?

Mr. MANSFIELD. I do.

Mr. GRIFFIN. If the gentleman will permit for a moment, in answer to the gentleman's question, the burden was not on

the committee to look for a hospital site in the District of Columbia or vicinity. That burden was placed upon the Secretary of the Treasury, and it was only on his announcement to the effect that he was unable to find a site in the District of Columbia or the vicinity that we assented to this proposal. The burden was on the Secretary of the Treasury under the act of March 3, 1919.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. McKEOWN. Mr. Chairman, I have offered an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oklahoma [Mr. McKEOWN].

The Clerk read as follows:

Amendment offered by Mr. McKEOWN: Page 2, line 14, after the word "expended," insert "And provided further, That said buildings shall be appraised by the Secretary of the Treasury, and the price to be paid shall not exceed the appraised value of the buildings plus \$175,000 for the land."

Mr. McKEOWN. Mr. Chairman and gentleman, I do not know whether this amendment would do any good or not. The value of this land as fixed by the report of the committee is about \$175,000, if I recall the report correctly. I understand the report says that we will be able to get this land at a value not to exceed \$175,000.

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Nebraska?

Mr. McKEOWN. Yes.

Mr. ANDREWS of Nebraska. Referring to the amendment, let me call attention to this fact, that an option was offered for 30 days from the time it was given—which was passed some time ago—and at the request of the Assistant Secretary the owners of the property made another stipulation, that time should be given to make the appropriation—a reasonable limit—and if that was not done it should be understood that the owner would withdraw the offer to sell at \$460,000. Now, the result of this amendment will be that if it is adopted the option by the owners of the property to the Government will be set aside and we lose the chance of getting the hospital.

Mr. McKEOWN. I just yielded to the gentleman for a question.

I take it that property in the District of Columbia is now at the highest price that it will be for years to come. Right now everything is at the pinnacle. It is as high as it can possibly be. You have a limitation in here that the purchase price shall not exceed \$460,000. I am simply trying to safeguard it and place on it a further limitation, that the buildings shall be appraised by the Treasury Department, which can be done by the Supervising Architect of that department; to appraise the value of the buildings as they are now and \$170,000 for the land, and that ought to be all that that property is worth.

Mr. ANDREWS of Nebraska. Let me say that the department did the very thing that the gentleman is now suggesting. The committee not being in a position to go and negotiate with real estate men, that being a function belonging to the executive branch of the service, we left it with the Secretary of the Treasury, who did the very thing that the gentleman is now suggesting.

Mr. McKEOWN. I understood one of the members of the committee, in answer to the question of the gentleman from Illinois [Mr. MANN], to state that they had not had this property appraised.

Mr. LANGLEY. We did not feel that it was in the province of the committee under the peculiar conditions existing to take that step.

Mr. McKEOWN. How does the Secretary of the Treasury arrive at the value of this property?

Mr. ANDREWS of Nebraska. Just exactly as he does in determining upon a site for a public building anywhere. An appropriation may be made for \$5,000 or \$10,000 or \$500,000, and the Secretary goes and determines the value.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired. The question is on the amendment offered by the gentleman from Oklahoma [Mr. McKEOWN].

The question being taken, on a division (demanded by Mr. McKEOWN) there were—ayes 13, noes 21.

Accordingly the amendment was rejected.

Mr. CROWTHER. Mr. Chairman, first I wish to say that I am heartily in favor of this bill and in favor of anything for the relief of the boys who bore the burden of the war. After the boys came back one of the saddest sights was to see those out here at St. Elizabeths, just gazing off into vacancy. Those

who have seen them realize that they paid a greater price, as did their fathers and mothers, than those who lost their lives on the other side.

In regard to the nitrate situation, I want to say that after the bill was passed by the Senate and House and signed by the President I tried very hard to get 20 tons of nitrate from the storage warehouse in Schenectady, my home town, for the use of the farmers in my district. I went down to the War Department and was sent to a Mr. Shults, who, I had been informed officially, was holding a hearing that afternoon with some manufacturers or agriculturists in regard to the disposition of the nitrate. Although the meeting had been scheduled for 4 p. m. and I appeared at 4.15, nobody else appeared to attend said hearings. I asked him if he knew anything about it, and he said no. He then sent me to a lieutenant colonel on the fourth floor, who sent me to a major on the third floor, who recommended me to another major at the corner of Sixth and B Streets, a mile away. None of these various officials could give me definite information on the subject. I finally gained the information that the War Department desired to distribute this from plants where the Government was paying storage upon the nitrate instead of from where it was stored in one of the Government-owned buildings. The result was that we were unable to get the nitrate for the farmers in my district in time for it to be of any value to them. And I say it was an injustice and absolutely unfair to the farmers, who, greatly handicapped by the lack of farm labor, are making every effort for a maximum production. These farmers would have driven their wagons or trucks there and backed up to the door of the warehouse and taken it away themselves without the expense of a penny for delivery or handling. This is but another example of binding up the wounds of necessity with departmental red tape, so pronounced under the present administration.

And I am glad the gentleman on the other side of the House [Mr. LANHAM] made the speech he did in regard to the assessed value of property here in Washington. I think it is a crying shame, the small valuation that is put on property in Washington for assessment purposes. Why, these high-binding, high-handed, hold-a-pistol-to-your-head people here charge \$40 a month for a single room. How can a girl live in Washington and pay \$40 a month rent for a room? People here charge as much rent for one room as they pay for the whole house. They build a garage across the back end of the yard and charge \$240 a year for a \$400 building and get a 60 per cent dividend on the investment. I voted to sustain these dormitories down here in order that the girls working in the departments here for small salaries might have a place where they could live and get a room and board for \$45 a month and as a protest against the high-binding, high-handed tactics of the profiteers of the city of Washington. [Applause.]

Mr. McDUFFIE. Mr. Chairman—

Mr. LANGLEY. Mr. Chairman, how much time is remaining under the agreement?

The CHAIRMAN. Five minutes, which the Chair understood was allotted to the gentleman from Ohio [Mr. MURPHY] if he cared to use it.

Mr. MURPHY. I do not care to use the time.

Mr. McDUFFIE. Mr. Chairman, a very serious charge has been made here by the gentleman from Kansas [Mr. TINCER], and although I hold no brief for the War Department or the Secretary of War on this particular matter, I can not and do not believe that the Secretary of War has sold the nitrate of soda to three big corporations. I want some evidence from the gentleman. I called up the department myself, and I want to tell the gentleman from New York [Mr. CROWTHER] and the gentleman from Kansas that if they will write or have their constituents write to Maj. J. H. Hunter, Ordnance Department, Sixth and B Streets, he will place the order with the proper authorities and have the nitrate delivered to their constituents when called for.

Mr. CROWTHER. Will the gentleman yield?

Mr. McDUFFIE. No; the gentleman would not yield to me, and I do not want to talk about dormitories or girls either. [Laughter.] I will yield in a minute to the gentleman; that was in a spirit of fun. You say the nitrate of soda has been sold to these companies. I think that on examination you will find that they have made a contract with them to handle the nitrate of soda. They simply agreed upon a small fee for the handling, on the theory that these companies are in a position to handle it better and more cheaply than is the War Department. The War Department would have to have an extra clerical force and additional help, and these companies have that help and can more easily carry out the plan of delivering it to the farmer. I will not believe the War Department has intentionally done wrong in this matter.

Mr. CROWTHER. Will the gentleman yield?

Mr. McDUFFIE. Yes.

Mr. CROWTHER. That was in direct contradiction to the statement that they made to me. They said they wanted to deliver it but instead of that they put it into the hands of the importers. They had it in storage where a man could drive right up and get his load without costing a cent.

Mr. CHINDBLOM. Mr. Chairman, as a member of the committee which brought in this bill, I want to say that there is no nitrate of soda on the hospital site of Wisconsin Avenue. [Laughter.]

Mr. McDUFFIE. I am glad to hear that. [Laughter.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. GARD. Mr. Chairman, I offer the following amendment on page 2, line 8.

The Clerk read as follows:

Page 2, beginning with line 8, strike out the remainder of the section.

Mr. GARD. Mr. Chairman—

The CHAIRMAN. All debate is closed.

Mr. GARD. I ask unanimous consent to discuss my amendment for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GARD. Mr. Chairman, this bill is complete in so far as the original authorization of the \$550,000 is concerned without the proviso beginning on line 8. The original bill provided, in section 5, that \$300,000 is appropriated for an existing hospital and of this amount \$250,000 is taken by this bill. It provided in section 6 that \$150,000 is to be had for emergency in the Public Health Service to purchase a site to build hospital facilities at Corpus Christi, Tex., and \$6,000 is taken from that and put in this bill. It says: Provided \$1,500,000 is to be held as an emergency fund for the purchase of land and buildings and \$154,000 is taken from that sum and put in this building.

Mr. LANGLEY. I want to call the gentleman's attention to the fact that the amount to which he refers has been transferred by the Secretary of the Treasury as set out in the report of the committee.

Mr. GARD. What I am calling attention to is the original purpose of the appropriation as made by Congress and its diversion from its original purpose to the use contemplated in this bill.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. GARD. Yes.

Mr. ANDREWS of Nebraska. To strike out that portion included in the gentleman's amendment will make it impossible to enlarge the present facilities for the boys, and the owners of the property will demand possession.

Mr. GARD. I am not concerned about the owners of the property demanding possession. They are getting good compensation for the property. What I am concerned about is to show the diversion from the original appropriation. It is a diversion of the appropriation when there has been no investigation in the vicinity of the District of Columbia, no appraisal of property in the Virginia or Maryland hills, nothing to satisfy the public mind that a real hospital may not be built in the vicinity of the city of Washington for \$550,000.

Mr. LANGLEY. May I interrupt the gentleman a moment?

Mr. GARD. Certainly.

Mr. LANGLEY. I want to say that this was the exercise of an executive function of the Secretary of the Treasury under the act of March 3, 1919. He had the right to do that and to distribute the funds carried by the act.

Mr. GARD. What I am seeking to convey is that Congress appropriated money for certain purposes—\$550,000 for a hospital in the District of Columbia or vicinity. That we go beyond that, we do not look around the vicinity, do not appraise the property, do not try, but buy something at practically the owner's own terms. Then we divert a part of it that was for emergency cases where they may be actually needed, and take about \$410,000 away from their emergency fund.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was rejected.

Mr. LANGLEY. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that it do pass.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 45, noes 0.

So the motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GREEN of Iowa, Chairman of the Com-

mittee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13627, and had directed him to report the same back to the House without amendment with the recommendation that the bill do pass.

Mr. LANGLEY. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LANGLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

CALL OF THE HOUSE.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

| | | | |
|---------------|---------------|---------------|----------------|
| Baer | Dyer | Kitchin | Siegel |
| Benson | Echols | Kraus | Siemp |
| Blackmon | Edmonds | Kreider | Small |
| Bland, Ind. | Elston | Lankford | Smith, N. Y. |
| Booher | Ferris | Lee, Ga. | Smithwick |
| Bowers | Fess | Leshner | Snell |
| Brinson | Fields | Little | Snyder |
| Burke | Frear | Longworth | Stedman |
| Butler | Garrett | McArthur | Steele |
| Cannon | Godwin, N. C. | McCulloch | Stevenson |
| Cantrill | Goldfogle | McKenzie | Stiness |
| Caraway | Good | McPherson | Strong, Pa. |
| Carter | Graham, Pa. | Madden | Sullivan |
| Casey | Greene, Mass. | Martin | Summers, Wash. |
| Clark, Fla. | Hamill | Merritt | Thomas |
| Cole | Harrison | Milligan | Tillman |
| Copley | Hastings | Monahan, Wis. | Towner |
| Costello | Hayden | Montague | Treadway |
| Cramton | Hernandez | Moon | Vare |
| Curry, Calif. | Hoch | Morin | Voigt |
| Denison | Hoe | Porter | Ward |
| Dent | Howard | Pou | Wheeler |
| Dominick | Hulings | Reavis | White, Kans. |
| Dooling | Hull, Iowa | Rhodes | Williams |
| Doremus | Hull, Tenn. | Rose | Wilson, Pa. |
| Drane | Jones, Tex. | Rubey | Winslow |
| Drewry | Kelley, Mich. | Rucker | Yates |
| Dunbar | Kennedy, Iowa | Scully | |
| Dunn | Kettner | Sears | |

The SPEAKER. On this call 324 Members have answered to their names, a quorum.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 11892) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Jones of Washington, Mr. McNARY, and Mr. RANSDELL as the conferees on the part of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 14100. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes;

H. R. 13665. An act granting the consent of Congress to Muskogee County, Okla., to construct a bridge across the Arkansas River, between sections 16 and 21, township 15 north, range 19 east, in the State of Oklahoma;

H. R. 7629. An act to amend the penal laws of the United States;

H. R. 12044. An act to accept the cession by the State of California of exclusive jurisdiction of the lands embraced within the Yosemite National Park, Sequoia National Park, and General Grant National Park, respectively, and for other purposes;

H. R. 5163. An act authorizing certain tribes of Indians to submit claims to the Court of Claims, and for other purposes;

H. R. 13666. An act granting the consent of Congress to Muskogee County, Okla., to construct a bridge across the Arkansas

River in section 18, township 12 north, range 21 east, in the State of Oklahoma;

H. R. 10072. An act to provide for the punishment of officers of United States courts wrongfully converting moneys coming into their possession, and for other purposes; and

H. J. Res. 351. Joint resolution extending the provisions of an act amending section 32 of the Federal farm-loan act approved July 17, 1916, to June 30, 1921.

HAWAIIAN HOMES COMMISSION.

Mr. CAMPBELL of Kansas. Mr. Speaker, I present a privileged report from the Committee on Rules, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 540.

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 13500) to amend an act entitled "An act to provide a government for the Territory of Hawaii, approved April 30, 1900, as amended, to establish a Hawaiian homes commission, and for other purposes"; and, after general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided between those favoring and those opposing, the bill shall be read for amendment under the five-minute rule; that at the conclusion of the consideration of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been agreed to, when the previous question shall be considered as ordered on the bill and amendments to final passage without intervening motion, except one motion to recommitt.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask unanimous consent that general debate upon the bill, provided for in the rule, be limited to 30 minutes instead of 2 hours.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the rule be amended by limiting the general debate to 30 minutes. Is there objection?

Mr. WALSH. Mr. Speaker, is it expected to complete the consideration of the measure to-night?

Mr. CAMPBELL of Kansas. Oh, I do not know. We would like to run until 5.30 at least, if it can be done.

Mr. WALSH. I did not catch the reading of the rule. What situation does it leave the bill in, provided consideration of the bill is not concluded to-night?

Mr. CAMPBELL of Kansas. The rule provides that it shall be in order to move to go into Committee of the Whole House on the state of the Union upon the adoption of the rule, so that the bill will have a privileged status.

Mr. WALSH. Is it a continuing order?

Mr. CAMPBELL of Kansas. Yes, sir.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, if the gentlemen of the Rules Committee wanted two hours' debate, why is the chairman seeking now by unanimous consent to change their action of passing legislation by rule?

Mr. CAMPBELL of Kansas. The Rules Committee did not want the two hours' debate. The rule as introduced provided for that, and by consulting Members on this floor who are interested in the bill they thought they could get on with less time for debate.

Mr. BLANTON. I would like for the gentleman to cut it down to five minutes.

The SPEAKER. Is there objection?

Mr. GARD. Mr. Speaker, reserving the right to object, is it the intention to begin the discussion to-night?

Mr. CAMPBELL of Kansas. Yes; and to run for a time.

Mr. DOWELL. If this can be limited to 30 minutes, general debate can be closed to-night.

Mr. GARD. It is seemingly a very important bill.

Mr. WALSH. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CAMPBELL of Kansas. Mr. Speaker, the rule provides for the consideration of a bill of very great importance to the native Hawaiians. There are no people under the flag more loyal to it, more interested in it, more devoted to it, than the people of Hawaii. They are so far out in the Pacific that sometimes they think that we forget that they have interests to which we should give attention, and it is for the purpose of considering a matter of very great importance to those people, who never miss an opportunity to show their devotion to our country, that this rule has been brought forth.

Mr. Speaker, I move the previous question on the adoption of the rule.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on the adoption of the rule.

Mr. GARD. Mr. Speaker, a parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. GARD. Is it meant that the previous question is ordered on the adoption of the rule as amended as suggested it be amended by unanimous consent?

Mr. CAMPBELL of Kansas. Oh, yes.

Mr. GARD. I think that had better be included.

The SPEAKER. The question is on agreeing to the rule as amended.

The question was taken, and the resolution as amended was agreed to.

Mr. DOWELL. Mr. Speaker, before going into the discussion I want to ask unanimous consent, if there is no objection, that the time be divided equally between myself and the gentleman from Louisiana [Mr. WATKINS].

The SPEAKER. The gentleman from Iowa asks unanimous consent that the 30 minutes for general debate be divided equally, half of the time to be controlled by himself and half by the gentleman from Louisiana. Is there objection. [After a pause.] The Chair hears none.

Mr. DOWELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 13500.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13500, with Mr. SANFORD in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13500, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13500) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended, to establish a Hawaiian homes commission, and for other purposes."

Mr. DOWELL. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DOWELL. Mr. Chairman, the legislation under consideration has some very important provisions. First, and most important, the provisions creating the Hawaiian homes commission, which has supervision over the homesteading of certain lands by the Hawaiian people; second, amendments to the Hawaiian organic act relating to homesteading and the leasing of public lands.

This proposed legislation grew out of the recommendations of a legislative commission of the Territory of Hawaii, which came to Washington some months ago and presented resolutions adopted by the Hawaiian Legislature relative to proposed changes in the Hawaiian homestead laws and suggested the plan of homesteading presented in this bill for the rehabilitation of the native Hawaiians. This legislative commission was composed of C. J. McCarthy, governor; Harry Erwin, attorney general; Robert W. Shingle, member of the senate; John H. Wise, member of the senate; W. T. Rawlins, member of the house of representatives; and Henry J. Lyman, member of the house of representatives.

The commission appeared before the Committee on the Territories early in February, and in the extensive hearings held the commission presented a state of facts existing in the Territory showing that the Hawaiian people are fast declining as a race and the lands in the Territory are rapidly getting into hands of others than Hawaiians. The members of the commission, after setting forth the facts, presented their views as to the solution of the many problems confronting the people of the islands. The most important legislation suggested by the commission, and which is the basis of this legislation, was the plan known as the "Senator Wise plan for the rehabilitation of the Hawaiians" by restoring them to the lands.

The commissioners made a strong showing before the committee in the hearings in favor of this general plan. When this matter was first presented to the committee the details of the plan had not been carefully worked out, but the general purposes and intent of the plan were thoroughly and carefully presented. Senator Wise went into the plan of this legislation in minute detail and gave interesting and important information concerning the Hawaiian people and their history. He set forth facts and conditions existing in the islands upon which the proposed legislation is based. I will not attempt to go into the history of this people nor the facts concerning the previous divisions and land distributions in the Territory. The Hawaiian Delegate [Mr. KALANIANAOLE], who is quite familiar with these facts, will be able to give to you this information and this interesting history.

I desire, however, to refer briefly to these conditions, and I quote from a statement of Senator Wise before the committee:

I would like to have the committee just pause for a moment and look back at the Hawaiians, a noble race, who in 1778, according to Cook's estimate, were 400,000 individuals. Allowing that Capt. Cook's estimate was much too high, the first official census was taken in 1832 and the number was placed at 113,319. The estimated population in 1919 was 22,600 pure Hawaiians and 16,660 part Hawaiians.

This statement of Senator Wise clearly indicates the entire disappearance of the Hawaiian race in the not distant future. Senator Wise further stated, and I quote from the hearings before the committee:

The Hawaiian people are a farming people and fishermen, out-of-door people, and when they were frozen out of their lands and driven into the cities they had to live in the cheapest places, tenements. That is one of the big reasons why the Hawaiian people are dying. Now, the only way to save them, I contend, is to take them back to the lands and give them the mode of living that their ancestors were accustomed to, and in that way rehabilitate them.

Secretary Lane, who has given to this matter careful consideration, appeared before the committee in behalf of this legislation. He visited the islands and became interested in this people. I wish to quote briefly from his statement before the committee:

The land was owned by the King originally, and they had in 1848 what they called a *mahele*, in which there was a division. As a result of that, and legislation that passed subsequently, we have approximately 1,600,000 acres of public lands in the islands. Most of that land is not suitable for making homes. Large bodies of it are lava land or grazing land. Some of it is the very finest quality of land, perhaps 120,000 acres approximately. * * * In my judgment, from the limited knowledge I have of the history of the islands, those people, the natives, were not treated fairly in the division of the lands that was made in 1848. At any rate, they are a problem now and they ought to be cared for by being provided with homes out of the public lands; but homes that they could not mortgage and could not sell. They are a most lovable people, a kindly people and a generous people. They have arts of their own which endear them to the people who visit the islands. It is not altogether the beauties of the islands that attract people there. It is the spirit that they see and the old civilization that they meet. There is a thriftlessness among those people that is characteristic among people that are raised under a communist or feudal system. They do not know what the competition system is and they will get rid of property that is given them. They do not look forward. They can not see to-morrow. Therefore, they should be given as close identification with their country as possible, and yet be protected against their own thriftlessness, and against the predatory nature of those who wish to take the land from them, and who have in the past.

The statement of Secretary Lane gives to you in a concise way the conditions existing in the islands and the history and characteristics of the Hawaiian people. All of the evidence before the committee clearly demonstrated that if this race of people is to be protected and perpetuated, the strong arm of the Government must, in the very near future, in some way protect and rehabilitate this splendid race.

Your committee has been convinced that what is known as the Wise plan will do something, and we hope will do much, to aid in the rehabilitation of this race. There are to-day on the islands, as estimated June 30, 1919:

| | |
|----------------------------------|---------|
| Japanese | 110,000 |
| Portuguese | 25,000 |
| Hawaiians: | |
| Full-blood | 22,600 |
| Part-blood | 16,660 |
| Chinese | 22,800 |
| Filipinos | 22,000 |
| Porto Ricans | 5,400 |
| Spanish | 2,400 |
| Caucasians, other than specified | 31,000 |
| All others | 5,806 |
| Total | 263,666 |

This estimate of the population in 1919 perhaps is a little large, as the results of the census for 1920, just announced, show the total population of the Territory at 249,992.

The hearings before the committee indicate that a great many of these lands homesteaded by this people have been lost, and too frequently the lands have fallen into the hands of the corporations and wealthy classes. The tax returns for 1919 in the Territory of Hawaii show that only about 6.23 per cent of the property of the islands is held by native Hawaiians. The tax returns show the following:

| Taxpayers. | Number of taxpayers. | Valuation of personal property. | Number of taxpayers. | Valuation of personal property. | Total valuation. | Percentage. |
|---------------------------|----------------------|---------------------------------|----------------------|---------------------------------|------------------|-------------|
| Corporations, firms, etc. | 783 | \$88,909,410 | 1,023 | \$96,715,185 | \$185,624,595 | 74.09 |
| Anglo-Saxons | 3,312 | 26,656,188 | 3,499 | 4,723,276 | 31,379,464 | 12.83 |
| Hawaiians | 5,878 | 13,670,508 | 1,913 | 1,934,609 | 15,605,117 | 6.23 |
| Portuguese and Spanish | 2,665 | 5,619,076 | 1,622 | 917,411 | 6,536,487 | 2.61 |
| Chinese | 1,631 | 3,140,305 | 1,367 | 1,656,250 | 4,796,555 | 1.91 |
| Japanese | 1,183 | 1,897,764 | 3,461 | 4,684,304 | 6,582,128 | 2.63 |
| Total | 15,452 | 130,893,251 | 12,885 | 110,631,095 | 250,524,346 | 100.00 |

The tax returns for 1919 show the total value of the real property owned in the Territory to be \$139,893,251; that the lands owned by 783 corporations, firms, and so forth, is valued at \$88,909,410; that native Hawaiians, 5,878 in number, own lands only of the value of \$13,670,508. These facts show that in the short time these islands have been populated by other races, out of land worth approximately \$140,000,000, the native Hawaiians are now in possession and control of only about \$13,000,000 in value.

It is clearly demonstrated by these facts what has happened in the Territory and what will continue to happen unless Congress by legislation makes provision for this race. The Government has now the title to approximately 1,600,000 acres of land in the Territory, and it is with these lands that this legislation is intended to deal. The legislation proposed contemplates the return to the lands of at least a number of the Hawaiian people, and certain parts of these lands are set aside for that purpose.

The bill under consideration provides for the establishment of a commission in the Territory to be known as the Hawaiian homes commission, this commission to be composed of five members appointed by the governor of the Territory, with the consent of the senate of the legislature of the Territory, with the governor as chairman of the commission. At least two of the appointed members must be native Hawaiians.

The Hawaiian home lands, which are particularly described in the bill, consist of approximately 185,000 acres of the Government lands. It is provided in the bill that these lands are to be given, or rather leased, only to native Hawaiians in homesteads of not less than 20 acres nor more than 80 acres of agricultural lands, or not less than 200 nor more than 500 acres of first-class pastoral lands, or not less than 500 nor more than 1,000 acres of second-class pastoral lands, the title to the lands so leased to remain in the United States.

The bill further provides that each lease shall contain the following provisions:

The lessee shall be a native Hawaiian. He shall pay \$1 per year rental, and the term of the lease shall be 99 years.

The lessee shall occupy and commence to use or cultivate the lands as his own within one year after the lease is made.

The lessee shall occupy and use said lands for at least a part of each year, as the commission may prescribe.

The lessee shall not in any manner transfer or mortgage to any person, except a native Hawaiian, his interest in the lands, and that only upon the approval of the commission.

The lessee shall pay all taxes provided by law and perform such other conditions as the commission may prescribe.

Provision is made for the forfeiture of the lease, after a full hearing, in the event the lessee fails to comply with the provisions of the law.

The commission is authorized to return any of these lands not used for homesteading by native Hawaiians to the commissioner of public lands, to be leased temporarily until they are needed for homesteading, at which time they are to be returned to the Hawaiian homes commission for that purpose.

It was clearly shown in the hearings that the mere turning over of these homesteads, so called, to the Hawaiian people will not serve the best purpose without further legislation to assist them in improving and cultivating the lands. Most of the Hawaiians who will likely avail themselves of this homestead right have not sufficient means to provide a home and to make necessary preparations for the cultivation and improvement of the ground. It, therefore, is necessary to make provision for the financing of these homesteaders to assist them in improving their homesteads.

The bill provides for the establishment in the treasury of the Territory of Hawaii a revolving fund, to be known as the Hawaiian home-loan fund, this fund to be raised by the leasing of the highly cultivated lands of the Territory and from water licenses of the Territory, as hereinafter explained.

Under the original organic act, as amended in 1910, it is provided in section 73 that further leases of agricultural lands shall not be made without the inclusion of what is known as the withdrawal clause, which provides that the lands may be withdrawn from the lessee when petition is properly filed of 25 or more who desire to homestead the land. Under this system of leasing, where the leases may be withdrawn at any time, it has been shown that the rentals from these lands have been very small.

The legislation proposed provides that the commissioner of public lands may, with the approval of the governor and at least two-thirds of the land board, lease the sugar-cane lands in the future without the withdrawal clause. The evidence before the committee shows that the estimated value of these cane lands is from \$200 per acre to \$1,000 per acre, and it is

estimated that if these lands are leased without the withdrawal clause the rental will be much larger than has been received under the present plan. The bill merely authorizes the land commissioner, as indicated, when he deems it advantageous to the Territory of Hawaii, thus leaving it to the commissioner of public lands and the land board to meet conditions as they exist or may arise from time to time.

The present annual rental for the agricultural and pastoral lands is about \$154,600. It is estimated that these lands, without the withdrawal clause, will bring a rental of approximately \$400,000 per annum. In addition to this the annual receipts from water licenses will approximate \$123,000. In this bill it is provided that 30 per cent of the Territorial receipts derived from the leasing of sugar-cane and agricultural lands and from water licenses shall be covered into the Hawaiian home-loan fund. From this fund the commission is authorized to make loans to the Hawaiian homesteaders for the following purposes:

For the erection of a dwelling and other permanent improvements.

For the purchase of live stock and farm implements.

And for otherwise assisting in the development of the lands. These loans are to be made on certain conditions, some of which are as follows:

The amount of the loan not to exceed \$3,000.

The loan to be paid upon an amortization plan in annual installments within an agreed period not exceeding 30 years.

The commission to have a lien upon the lessee's interest in the improvements, and so forth, to the amount of the loan.

The commission is further authorized to undertake general water and other developments in respect to the Hawaiian home lands, and the Territory is authorized to issue bonds therefor. Provision is also made for the commission to use surplus waters and government-owned waters for certain purposes in connection with carrying out the homestead provisions.

This, in brief, is a general outline of the legislation proposed. This legislation has received the careful consideration of the committee. Perhaps there is no precedent for this legislation, and no legislation of a similar character has been adopted by this Congress. It differs materially from the general plan adopted in this country for homesteading, but the evidence submitted to the committee set forth a state of facts which justify the legislation proposed. It was the unanimous opinion of the committee that if this legislation is to be effective the lessees or homesteaders of these lands should not receive a title that can be disposed of, and should not have a homestead they are not able to personally occupy or cultivate.

I think your committee began this investigation with much doubt as to its propriety, but I am pleased to say that at the conclusion of the investigation and after a full and thorough consideration of the whole matter your committee is unanimous in its recommendation that the legislation proposed be adopted. [Applause.]

Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DOWELL. Mr. Chairman, I desire now to yield—

Mr. WATKINS. Mr. Chairman, before the gentleman from Hawaii begins I wish to say that whatever time he needs from this side will be accorded to him, and when he has finished, if he has not consumed all the time, then I will utilize the remainder of my time; and in this connection, Mr. Chairman, I would like the privilege, if all the time is consumed without my having an opportunity of making a few remarks, to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. DOWELL. Mr. Speaker, I now yield the balance of my time to the Delegate from Hawaii [Mr. KALANIANAOLE].

Mr. WATKINS. And I yield to the gentleman as much of my time as he desires to use.

Mr. KALANIANAOLE. Mr. Chairman and gentlemen, before going into Titles II and III of this bill, I feel constrained to say a few words on Hawaii, its history, and its achievements.

Twenty-one hundred miles southwest from San Francisco, between 154° 40' and 162° west longitude and between 19° and 23° north latitude, below the Tropic of Cancer, lies the Territory of Hawaii. A glimpse at the map of the world will instantly reveal the strategic position these islands occupy.

The Territory of Hawaii consists of a group of islands, eight of which are inhabited, having an area of approximately 6,449 square miles and a population of about 250,000.

They were discovered January 17, 1778, by Capt. James Cook, an English navigator. At the time of the discovery Capt. Cook

wrote them down as the Friendly Islands, and spoke of the people as highly civilized, classed them as the most industrious, and labeled them as few would object to be labeled, as being stalwart, manly, upright, straightforward, fearless, candid, and open-minded. [Applause.]

The civilization of the islands in the early period was of an exceptionally high standard. Their games were planned to make men of them. The Hawaiians, from the very nature of the life they lived, were great athletes. The training of a boy in those days was to make him excel in feats of great strength and to be skillful in the arts of warfare. Running, wrestling, boxing, sled riding, swimming, surf riding, diving under water, disk throwing, javelin throwing, and the handling of a canoe were taught every boy in those days. One's education was not considered complete unless he could stand up to the hardest of these exercises. To-day a Hawaiian boy in the great schools on the mainland can hold his own in any sport requiring skill and strength, and this after many years of neglect from the games that were so indispensable to the make-up of his forefathers. In the great World War we are told that the athletes made the best soldiers. Surely the Hawaiians must have had a high standard of civilization. Even their business was so planned. We speak of the splendid navigation of men like Columbus, and we speak of the splendid navigation of the men of to-day, but the Hawaiian, starting out with his double canoe, sailed the length and breadth of the broad Pacific, over tempestuous seas, with only the sun and stars as guides, proving that they had some knowledge of astronomy. They had an advanced knowledge of medicine, knowing every bone, muscle, and nerve of the body and its structure, and the treatment given for certain ailments then is still recognized by the medical profession of to-day.

It was a time of industrial enterprise and peaceful and prosperous growth; arts and crafts developed to a very high standard. Their feather helmets and capes and the method of their manufacture are still a wonder to the scientific world. Great engineering enterprises were undertaken, irrigation systems and fish ponds were constructed. The land boundaries established during this period are recognized by the engineers and surveyors of to-day.

The religion of my early people was also highly developed. Every act and deed performed was for the glory of their god and for the benefit of humanity.

All laws were edicts of the King, commonly called tabus, and the breaking of them was punishable.

The tabu was, in fact, the ancient law of the Hawaiians. There were religious tabus, there were tabus which prohibited certain acts, such as the killing of man, the eating together of husband and wife, the eating of certain fish, the eating of certain fruits by women—these were the King's tabus. Then there were certain tabus which went with the land; for instance, the right to fish was recognized as a public right by the natives, the fish being the property of all, still the occupier of land upon the seashore had the privilege of naming certain fish in the adjacent waters as his own property. Any person could fish upon the fishing grounds, but was forbidden to catch the fish named as the tabu fish. This system of the tabu runs all through history, and is sacred to them. Even to-day, if you were to go down to the seashore while the Hawaiians are bringing in their nets, you would be entitled to a share of the catch, the natives still maintaining the old custom that the fish, except the tabu fish, belonged to all.

The population increased and colonies were established. Men who were accomplished in science as well as in warfare became chiefs of these colonies. As time passed, in order to effect a more stable government, the chief gathered about him powerful retainers for military service and protection against invasion, and in return for such service the chief granted them large tracts of land, which the subchiefs in turn subinfeudated to their followers. Thus a system remarkably like the old feudal system of Europe developed and continued to the time of Kamehameha I.

Prior to the reign of Kamehameha I each island had its own King. The King of the largest island—Hawaii—left half of the island to his son and the other half to his nephew, Kamehameha. This naturally brought about ill feeling between the cousins, and war was soon declared; Kamehameha, the greater strategist, being the victor, became King of the whole island.

He then conquered Maui, Molokai, and later arrived on Oahu, landing at Waikiki beach, drove the natives through Nuuanu Valley and over the Pali. Thus, after long and desperate fighting, he succeeded in amalgamating the islands into one kingdom, and by a treaty of annexation with King Kamehameha, of Kauai, whom he met at sea and asked Kamehameha that if he waited until the black tapa covered him he could have the

island, became, by virtue of his conquest and treaty, the supreme monarch of all the islands.

Though Kamehameha I may have appeared to be a heathen to the outside world, yet during his long and vigorous reign there was manifest in everything that he did a superior intelligence and deep reverence for a power greater than his. With such an influence governing his life, he ruled his people, even those whom he had conquered, with justice.

He it was who established the independence of the individual by that oral decree which reads:

The old and feeble man and woman and the small child may walk and rest unharmed on the public highways of my kingdom, and no one shall molest them. Death shall be the penalty.

He followed the example of his predecessors and divided the lands among his chiefs and followers, retaining, however, a portion to be cultivated by his own servants and attendants, who were considered as having rights in the lands so cultivated or the productions thereof. The proportions were not clearly defined but nevertheless universally recognized.

He recognized the benefits of trading with the outside world, and the immense sandalwood traffic with China which later developed was inaugurated by him.

Seeing the ill effects from the use of alcohol upon his people, he proclaimed the first prohibitory law against the liquor traffic ever promulgated by any Government. [Applause.] The earnest reformers of America, who may have taken to themselves the credit of having accomplished an almost unbelievable phenomenon, may be astonished to learn that this great monarch, the unifier of his people, and farsighted statesman, sometimes called the Napoleon of the Pacific because of his military genius and leadership, had that law enforced a century before.

Education during his time was advanced, even though their language had not been reduced to writing. The high priests took the young and in song and story related to them the history of their ancestors and the principles of medicine and science.

His ability and sense of justice have been an inspiration down through the years; and even to-day the Hawaiian people, as well as those of other nationalities who have lived in the islands and have learned to know and to love the memory of this great man, gather on his natal day to do him honor.

During his reign Opukahaia, after seeing both of his parents slain in war, then a boy of 12, determined to run away to some other country. About this time a ship arrived from New York, Capt. Brentnall, master, and anchored a short distance from shore. The boy swam out to the ship, and when the captain was ready to leave the Hawaiian signified that he did not wish to go ashore. The captain, who had taken a fancy to him, consented to his going with him, taking along also another young Hawaiian, Thomas Hopu. After leaving the islands the ship sailed to the Seal Islands, off the coast of Alaska, thence to China, and around to New York by way of the Cape of Good Hope, arriving there in the year 1809.

Opukahaia and Hopu went to Cornwall, Conn., where they attended school, and were joined later by John Honolii, William Kenui, and George Kaumualii, and other Hawaiian boys.

After they learned the English language they often spoke of their home country, and especially the needs of their people. This unusual bit of information thus coming to the attention of the American Board of Foreign Missions influenced it, and by the appeal of these Hawaiians the board decided to send a band of missionaries to the islands.

Opukahaia, who was a member of the Foreign Missions School, had translated in his native language a portion of the Bible, having finished the Book of Genesis and made considerable progress toward completing a grammar, a dictionary, and a spelling book, as well as a translation of the Hebrew Bible, when he became ill and died in February, 1818. From the start that he had made in his translations the missionaries were enabled to have books already printed in the Hawaiian language when they arrived in Hawaii in April, 1820.

The missionaries, accompanied by J. Honolii, Thomas Hopu, William Kenui, and George Kaumualii, upon their arrival in the islands did not find what they expected. They landed upon an island not infested with savages, but by a people who prior to their arrival had overthrown their gods, burned their temples, and destroyed the tabu, the ancient and terrible power of the priesthood, the king and chiefs over the common people, all of this being done by their own act, and with that behind them the islanders stood ready and welcomed the new religion. [Applause.]

The first education was undertaken by the missionaries soon after their arrival in 1820. There was a passion exhibited for education. The chiefs themselves put the innovation to a test. "If learning is bad, we will keep the people from it," they said,

and added, "If it is good, we will share it with all." The desire for learning was so widespread that at the end of five years the number of pupils were 20,000, and at the end of 10 years the number had increased to 53,000, out of an estimated population of 130,000. This large number of pupils necessitated the establishment of a high school. In June of 1831 Lahainaluna School was established to educate teachers for the common schools and prepare young men for vocational pursuits. This school is still maintained by the Territorial Government as a vocational institution.

Boki, a high chief, and Liliha, his wife, observing the benefits derived by their people through education, gave a vast tract of land in Punahou, near Honolulu, to the missionaries, in order that they might further the cause of education, and Oahu College was thus created, which is the oldest educational institution west of the Missouri River. It was to this institution in the early forties that the young men and women of California sought their education.

Following the precedent set by Boki and Liliha, Princess Bernice Pauahi left her entire estate, worth millions, to establish and maintain the Kamehameha Schools, an institution for Hawaiians, where they may secure an education in academic subjects, as well as in agricultural and industrial pursuits.

I might also add here that besides these educational institutions charitable institutions were established by the chiefs, who were ever ready to assist in the uplift of their people. Lunallo Home for the aged Hawaiians was established by King Lunailo, leaving his entire estate for that purpose; the Queen's Hospital, where Hawaiians receive treatment free of charge, by Kamehameha IV and his consort, Queen Emma; and the Kapiolani Maternity Home, also where Hawaiians receive treatment gratis, by King Kalakaua and Queen Kapiolani; and the estate of Queen Liliuokalani was left to establish an orphanage. This she was able to do even though she was dethroned. Besides these named, numerous others gave to the cause of religion.

From the start made then, practically 100 years ago, we have our present school system, modeled after the best American schools, and embracing grammar, trade, industrial, and high schools, and ending with the University of Hawaii. [Applause.]

A larger percentage of Hawaii's wealth has been expended for education than has been done in almost any State of the Union. So widespread was the desire for learning among the Hawaiians, and so generally have both the rich and poor availed themselves of our educational privileges, that to-day the percentage of illiteracy among our Hawaiian and Anglo-Saxon population is practically nil.

During Kamehameha I's long reign affairs became settled to an extent to which the country had not been accustomed. Long and undisturbed possession of their lands by chiefs was a preparation for the development of a sentiment favorable to permanent individual rights in land, and such a sentiment had become well defined in the mind of Kamehameha before his death, and may be regarded as the seed germ of a system of land tenures which afterwards developed.

After the death of King Kamehameha I his son, Liholiho, came to the throne as Kamehameha II. He was then not of age. The administration of the Government was under the regency of Queen Kaahumanu. She was the premier or minister having a veto on the King's acts and Kamehameha's widow, a woman of great force of character. Right here I might call the attention of the Members of the House to the fact that the Hawaiian women of noble birth, as many as six at one time, sat as members of the House of Nobles—equivalent to the Senate—and assisted in solving the problems of the country and in making Hawaii what it is to-day. [Applause.] Thus, Hawaii was far in advance of the mainland in having women in its national council. Even to-day, we must appeal to the Hawaiian women if we intend to be successful in our campaigns, even though the right of suffrage has not yet been extended to them.

When Kamehameha II reached his majority and became King, it was his desire to make a redistribution of the lands of the realm according to custom, but Queen Kaahumanu was opposed to it, and her influence was too strong for him, and beyond a few assignments among his intimate friends he relinquished his purpose. The distribution of lands, therefore, by Kamehameha I remained for the most part as a permanent settlement of the landed interests of the kingdom, to be afterwards modified in favor of the common people but never ignored.

I might also note that the King, being much impressed by what he had heard of the reforms introduced in Tahiti by the London Missionary Society, resolved to take a trip to England, so in November, 1823, the King and his Queen and a strong delegation sailed for England to educate themselves and to see whether there were other teachers equally capable or possibly

better, and other religions more ancient and very likely more satisfying to the hungry soul than the one so lately taken in 1820, and on the day of his departure asked his people to continue in this new faith until his return to the islands, but both the King and his Queen died shortly after their arrival in London, and their remains were brought back by Lord Byron on the British frigate *Blonde*.

In 1833, Kamehameha III, known to the Hawaiians as Kamehameha the Good, then 20 years old, assumed the throne, and soon became deeply interested in public affairs. In many ways the unsatisfactory status of land matters was pressed upon his attention. The growing sentiment toward permanence in tenure powerfully influenced the situation. The defenseless and wretched condition of the common people in regard to their holdings appealed to his sense of humanity and to his sense of responsibility as their ruler. The inconsistency of his sovereign control of all the lands of the kingdom with any progress based upon the incoming tide of civilization became more and more evident every day.

The King consulted the great chiefs of the realm, who were in favor of permanence in tenure, and in 1839, on the 7th day of June, he proclaimed a bill of rights which has made his name illustrious and the day on which it was announced worthy of being forever commemorated by the Hawaiian people. It is especially interesting and impressive as the Hawaiian Magna Charta, which was not wrung from an unwilling sovereign by force or arms, but the free surrender of despotic power by a wise and generous ruler, impressed and influenced by the logic of events, by the needs of his people, and by the principles of the new civilization that was dawning on his land.

The following is a translation of this enlightened and munificent royal grant:

God has made of one blood all nations of men to dwell upon the earth in unity and blessedness. God has also bestowed certain rights alike on all men and on all chiefs and all people of all lands.

These are some of the rights which He has given alike to every man and every chief of correct deportment: Life, limb, liberty, freedom from oppression, the earnings of his hands, and the productions of his mind—not, however, to those who act in violation of the laws.

God has already established government and rule for the purpose of peace, but in making laws for the nation, it is by no means proper to enact laws for the protection of the rulers only, without also providing protection for their subjects; neither is it proper to enact laws to enrich the chiefs only, without regard to enriching their subjects also and hereafter there shall by no means be any laws enacted which are at variance with what is above expressed, neither shall any tax be assessed, nor any service or labor required of any man in a manner which is at variance with the above sentiments.

The above sentiments are hereby proclaimed for the purpose of protecting alike both the people and the chiefs of all these islands while they maintain a correct deportment; that no chief may be able to oppress any subject; but that chiefs and people be able to enjoy the same protection under one and the same law.

Protection is hereby secured to the persons of all people, together with their lands, their building lots, and all their property, while they conform to the laws of the kingdom, and nothing whatever shall be taken from any individual except by express provision of the laws. Whatever chief shall act perseveringly in violation of this declaration shall no longer remain a chief of the Hawaiian Islands, and the same shall be true of the governors, officers, and all land agents. But if anyone who is disposed shall change his course and regulate his conduct by law, it shall then be in the power of the chiefs to reinstate him in the place he occupied previous to his being disposed.

It will be seen that this bill of rights left much to be done in defining the rights in land granted by it. It appears by the constitution enacted by the King, the kuhina nui, or premier, and the chiefs the following year, that the feudal right of controlling transfers was still retained in the sovereign in the following words:

Kamehameha I was the founder of the kingdom, and to him belonged all the land from one end of the islands to the other, though it was not his own private property. It belonged to the chiefs and the people in common, of whom Kamehameha I was the head, and had the management of the landed property. Wherefore there was not formerly, and is not now, any person who could or can convey away the smallest portion of land without the consent of the one who had or has the direction of the kingdom.

During these years of undefined rights the common people were protected in their holdings by law to a certain extent. The question of proportionate interests of the King, the chiefs, and the common people in the lands of the kingdom was one of great difficulty. The constitution of 1840 distinctly recognized such a community of interest, but Hawaiian precedents threw no light upon the problem of division. It had been a new departure to admit that the people had any inherent right to the soil, and now to carry out that principle required the adoption of methods entirely foreign to the traditions of Hawaiian feudalism.

During this transition period the necessity of an organized government separate from the person of the King became apparent to the chiefs, and this was carried out by three comprehensive acts in 1845, 1846, and 1847. The first, "to organize the executive ministry of the Hawaiian Islands"; the second, "to organize the executive departments of the Hawaiian Islands";

and, third, "to organize the judiciary department of the Hawaiian Islands." As soon as the existence of a responsible government detached from the person of the King became an accepted feature of the political system, it was felt that in some way or other the Government ought to have public lands and become the source of land titles.

The act creating the executive department contained a statute establishing a board of royal commissioners to quiet land titles. This board considered the claims of various tenants and its decision was binding upon the Government.

This board decided that there were but three classes of vested or original rights in land, which were in the King or Government, the chiefs, and the common people, and these three classes of interest were about equal in extent.

Later in 1848 the great mahele or division was made, setting apart the land in three portions. The King and chiefs received for their portion 1,619,000 acres; the Government, 1,505,460 acres; the balance, amounting approximately to 984,000 acres, was not conveyed to the common people but reverted to the Crown.

The common people, being left out in the division after being recognized as owners of a third interest in the Kingdom, believing that new methods had to be adopted to place them in possession, assumed that these lands were being held in trust by the Crown for their benefit. What the trust was and whether or not it was performed is not clear. However, the lands were not reconveyed to the common people, and it was so held by each monarch from the time of the division in 1848 down to the time of the dethronement of Queen Liliuokalani in 1893.

Having shown the history of our land system and the injustice done the common people by those in power, I will now relate incidents showing the troublous times the Hawaiian Kingdom had from time to time with foreign powers, principally growing out of the selfish greed of individuals of those several Governments who had taken up residence in Hawaii, including the incidents whereby these same lands came into the possession of the United States Government.

The first foreigners to give the islands concern were the Russians. Gov. Baronoff, of Alaska, in pursuance of a determined design to establish a Russian colony in the islands sent the ship *Bering* in the year 1814 on a cruise to the islands. This ship was wrecked, but was followed soon after by three other vessels. The Russians constructed a fort at what is now Honolulu and mounted cannon there. This resulted in great excitement amongst the inhabitants and caused Kamehameha I to build a fort on Punchbowl, directly back of the city of Honolulu, and ordered the Russians to leave the islands. They did so without resistance, and subsequently the King received a communication from the Russian Government assuring him that the action of the Russians had been wholly without the consent of the Russian Government.

Upon the arrival in Honolulu of Mr. Richard Charlton, the British consul, in 1825, began a policy of diplomatic interference with Hawaiian affairs and harassed the Government continually, causing friction between the Hawaiian people and the British subjects. So in 1829 the King issued a proclamation over his name and that of Kaahumanu and 10 others of the highest chiefs, in which he declared that the laws of his country forbade murder, theft, licentiousness, the retailing of ardent spirits, Sabbath breaking, and gambling; and that these laws were in force against foreigners residing on the islands as well as his own people. The English consul threatened them with vengeance of Great Britain if they should presume to make any laws without first obtaining the sanction of his Government. The King replied that the law applied to the British consul as well as to the humblest native.

This continued until the year 1843, when Lord George Paulet arrived in Honolulu and immediately made harsh demands upon the King, at the same time clearing his ship for action in case the demands were not complied with. To forestall him and to avoid any further difficulty the islands were conditionally ceded to Great Britain, a commission being dispatched to take up the matter with the British Government. His act was condemned by his Government, and on July 25 of the same year Rear Admiral Thomas, commanding the British fleet in the Pacific, arrived in Honolulu and issued a proclamation restoring the monarchy.

Likewise the little island kingdom had its troubles with France, growing out of similar disregard of the Hawaiian law. France insisted on importing and selling intoxicating liquor within the kingdom. Trouble continued, and the King was forced to dispatch a commission to France. The King, seeing the insistence with which the French violated the local law regarding the selling of ardent spirits, formed the first temperance league ever known in an endeavor to curtail the illicit

traffic, and which was composed of himself and his chiefs, the resolution adopted being as follows:

We will not drink ardent spirits for pleasure.
We will not traffic in ardent spirits for gain.
We will not engage in distilling ardent spirits.
We will not treat our relatives, acquaintances, or strangers with ardent spirits except with the consent of a temperate physician.
We will not give ardent spirits to workmen on account of their labor.

This unsettled condition remained until 1857, when matters were finally adjusted satisfactorily.

The American residents, seeing the possibility in sugar-cane growing and the manufacture of sugar, developed the industry to some extent, but it did not reach its height until King Kalakaua made a personal visit to Washington, and in 1876 a reciprocity treaty was negotiated and ratified by both the United States and Hawaiian Kingdom.

This prosperity lasted until 1890, the year the United States Congress passed the McKinley tariff bill, placing sugar on the free list and giving the American producer a bounty of \$40 per ton. This act took from Hawaii all of the advantages it had enjoyed under the reciprocity treaty. The McKinley bill and the anxiety of those who had invested money in sugar production and the ever-present Japanese bugaboo furnished the necessary excuse for the overthrow of the Queen.

In 1893 the monarchy was overthrown. On the face of things it appeared as though the monarchy was overthrown from within by the people residing in the islands, but as a matter of fact the monarchy was overthrown by the superior forces of the United States, who landed marines from the U. S. S. *Boston* without permission or request of the Hawaiian Government and took their position between the palace and the Government building. At this time the most friendly relations existed between the United States and the Hawaiian Kingdom, dating from the first treaty made on December 23, 1826. On this particular day business of all kinds was being carried on as usual without interruption. Perfect quiet and good order existed throughout the city, there being not even a suggestion of disorder or danger to the life or property of either citizen or alien.

On the following day, nearly 24 hours after the landing of the American troops, on my way to the palace I saw a dozen or so foreigners, who had been previously assured of a recognition by the United States minister as soon as a provisional government was proclaimed, proceed to the Government building, where the leader read a proclamation deposing the Queen and establishing a provisional government. The only audience to this function that I could see besides their own number was the native janitor.

The marshal and the commander of the Queen's troops were ready and anxious to proceed immediately to take the Government building and arrest the parties in possession, but the presence of the American troops and certain rumors with regard to the attitude of the American minister caused the Queen's cabinet to confer with him officially before taking any action. They learned from the American minister in writing that he had recognized the provisional government and would support it with the United States troops.

As any action on the part of the Hawaiian officials meant a collision with the United States troops, the Queen decided, upon the advice of her cabinet, to surrender to the superior forces of the United States and await a settlement of the case on a presentation of the facts to the authorities in Washington.

The provisional government thus created, later made a protectorate of the United States, was then succeeded by a republic.

I mention these troublous times not with any malice toward either those who established the provisional government or toward the United States. My one desire is to point out how these lands, which we are now asking to be set aside for the rehabilitation of the Hawaiian race, in which a one-third interest of the common people had been recognized, but ignored in the division, and which had reverted to the Crown, presumably in trust for the people, were taken over by the Republic of Hawaii by an article of the constitution of the Republic of Hawaii, which reads as follows:

ART. 95. That portion of the public domain known as Crown lands is hereby declared to have been heretofore and now to be the property of the Hawaiian Government and to be free and clear from any trust of or concerning the same and from all claim of any nature whatsoever, upon the rents, issues, and profits thereof. It shall be subject to alienation and other uses as may be provided by law. All valid leases thereof now in existence are hereby confirmed.

By annexation these lands became a part of the public lands of the United States, and by the provisions of the organic act are under the custody and control of the Territory of Hawaii.

The tillable lands given to the Government at the time of the *mahele* or division of 1848 had practically all been disposed of prior to this time. So as soon as the Crown lands were available for purchase or settlement by virtue of article 95 of the constitution, as noted above, large areas were disposed of by the Government, and had it not been for the long-term leases made by King Kalakaua, which were extant at the time the constitution of the Republic of Hawaii was adopted, and which were recognized therein, the area of Crown lands at the time of annexation would have been considerably reduced.

The lands mentioned in this bill, which are to be set aside and leased for 99 years at a nominal rental to those of Hawaiian blood, are principally Crown lands on which the Kalakaua leases made 30 years ago are about to expire. I feel that as the United States came into possession of these lands after they had been confiscated by successful revolutionists, with the aid of the United States minister, Congress in its wisdom will recognize our claims.

Some of the Hawaiians who occupied lands at the time of the division as tenants by filing their claims obtained an allodial title to the land occupied. The total area received by them through this method was approximately 28,000 acres, and this area was divided among 3,000 families, while on the other hand 33 missionary families received 41,000 acres.

It is regrettable, however, that from the very beginning the missionaries did not use their influence to safeguard the title to this land, making it inalienable in years to come, as they had, no doubt, used their influence to have the division made on the plea that it would assist in Christianizing the islands, for, as time showed, the shrewd newcomer, who saw far ahead the industrial possibilities of the islands, outwitted the Hawaiian, who for generations had looked only upon the land as a means of producing his sustenance. Gradually the land passed away from him and in many cases the land went without hardly any return. Hence to-day the great majority of the Hawaiian people own no land.

The Hawaiian race is passing. And if conditions continue to exist as they do to-day, this splendid race of people, my people, will pass from the face of the earth. At the time of the discovery, in 1778, Capt. Cook estimated the population at 400,000, which he probably overestimated. Two hundred and fifty thousand would be about the correct number. The official census taken in 1832, 54 years later, revealed the fact that there were 130,319 Hawaiians, and to-day only 20,000 pure Hawaiians are left and an equal number of part Hawaiians.

The legislation proposed seeks to place the Hawaiian back on the soil, so that the valuable and sturdy traits of that race, peculiarly adapted to the islands, shall be preserved to posterity.

I think a situation is presented here that can be distinguished from any other. Perhaps we have a legal right, certainly we have a moral right, to ask that these lands be set aside. We are not asking that what you are to do be in the nature of a largesse or as a grant, but as a matter of justice—belated justice—and extend at least a helping hand, without cost to the Government of the United States, to the Hawaiians in their endeavor to rehabilitate themselves, a people who are thoroughly loyal to the Government of the United States.

It is a subject in comparison with which all others sink into insignificance, for our first and great duty is that of self-preservation. Our acts are in vain unless you can stay the wasting hand that is destroying my people. I feel a heavy and special responsibility resting upon me in this matter, but it is one in which you all must share; nor shall we be acquitted by man or our Maker of a neglect of duty if we fail to act speedily and effectually in the cause of my people.

Title III of this bill provides for amendments to the Hawaiian organic act.

In order to meet the increase in expense of the legislators who have come from the outside islands to attend the sessions of the legislature, it is provided by section 310 of this bill that the salary of the members of the legislature be increased from \$600 for any regular session to \$1,000 and from \$200 for each special session to \$500. The amendment also increases the mileage from 10 to 20 cents per mile for each member of the legislature in coming to and departing from the sessions. This is paid out of funds in the Territorial treasury.

Section 302 of this bill provides for the amendment to section 55 of the Hawaiian organic act whereby it is sought to permit the Territory to extend its indebtedness to 10 per cent of the assessed value of the property of the Territory. The Territory has found it necessary to extend its indebtedness in order to carry out projects in the course of construction and in contemplation.

I beg to call the attention of Congress to the fact that a good part of the then income necessary to meet the current expenses of former governments was derived from the customs receipts, post-office receipts, and postal savings bank, but by annexation we lost this revenue, which amounted at that time to half of the income of the Hawaiian Government. To meet that loss the Territory is forced to raise the taxes and issue bonds.

Hawaii has expanded rapidly in an industrial way since annexation, and the needs for public improvements to keep pace with this expansion have been great, far greater than could be provided by revenues from taxation alone, and in order to meet this vast outlay we have been compelled to issue bonds. While we have been running into debt consistently, we have been left out of consideration in the many bills enacted into law wherein the Federal Government assists the various States. Take, for example, the so-called good-roads act, passed in 1914. We do not benefit even though we have expended millions of dollars on the construction and maintenance of roads, which in a very large measure are used by the military forces located in the islands, and because of that it necessitates the building of a road of different type from that which our needs demand—a wider and heavier foundation of concrete.

Likewise, Hawaii was ignored in the last session of the last Congress, when by a rider on the Post Office bill a large expenditure of money was authorized for road construction in conjunction with the States, primarily to give employment to discharged soldiers, sailors, and marines.

Mr. Chairman and gentlemen, the mainland can point with pride to Hawaii and her participation in the great world conflict in the interests of humanity. Before and at the time of the declaration of war by the United States, Hawaii had already her full quota of 8,000 men in her National Guard. Before the draft law came into effect, our boys were already serving in great numbers in the allied armies. Besides these, many volunteered and served their country overseas. Later five of these Hawaiian boys were numbered among the first to give up their lives for their country and flag. [Applause.]

Still we were eliminated from participation in legislation beneficial to discharged soldiers and sailors. I might also add that not only did Hawaii go over the top in man power, but in addition oversubscribed its quota in each of the five Liberty loans and with the exception of the State of Nebraska was the only one of the States or Territories to oversubscribe its quota in war savings stamps. [Applause.] In addition we oversubscribed our quota in all the Red Cross drives and the united welfare campaign.

I want to call the attention of this House to the fact that some of the Members of Congress perhaps have the impression that Hawaii is foreign territory, not only in its institutions but also its people, somewhat in the same category as Porto Rico and the Philippines. Far from it, gentlemen. Hawaii came into the fold of this country not by conquest but by a treaty of annexation approved and ratified by both this country and the Government of Hawaii. By that treaty Hawaii was made a full-fledged Territory of the United States.

For 60 years prior to annexation Hawaii had a constitutional form of government, recognized by all the great powers of the world.

The system of government then was similar to that of this country. The American influence coupled with the natural love of liberty and justice among the Hawaiians brought about a system that needed very little adjustment in order to become an American Territory. The organic act provides that all Hawaiian laws not inconsistent with the Constitution and laws of the United States and the organic act should continue in force. This conclusion was reached after an investigation by a congressional commission who satisfied themselves that the dominating American influence for 75 years prior to annexation had resulted in a Government so like that of the United States that few changes were necessary. Among some of the laws repealed were the postal-savings law and the bankruptcy law, yet 10 years later Congress passed identically the same laws which Hawaii had before annexation and which the commission had repealed. The American flag in Hawaii floats over schools that have been essentially American for a hundred years and in which only the English language is taught. [Applause.]

It floats over the courts of justice conducted under the American system of jurisprudence, presided over by judges and impleaded by lawyers trained in the law schools of America. But we are not only Americans in our institutions and education, but also in the scientific development of our agriculture, the extent of our shipping, and most of all in our heavy payments to the National Treasury.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. KALANIANA'OLE. I will.

Mr. JOHNSON of Washington. It might be of interest to the membership to know that the first printing press in the State of Washington came from Hawaii. [Applause.]

Mr. KALANIANA'OLE. Our commerce has expanded with our industries. For the year 1919 our exports amounted to \$88,000,000 and our imports to \$55,000,000. Our shipping has also expanded from 1,800,000 tons in 1902 to 5,000,000 tons in 1914.

Hawaii, since annexation, has been and is contributing annually \$3,000,000 into the National Treasury. I might also add that for the fiscal year ending June 30, 1918, the Territory of Hawaii paid \$9,000,000 into the Treasury and she stood thirty-fourth amongst the States and Territories, including the District of Columbia, in internal revenue and returns. Bear in mind, gentlemen, this sum is over and above all expenses that the Federal Government incurs. We gladly contribute our share of the burden to the Federal Government the same as any other State does, but we do object emphatically in the rank discrimination in legislation wherein the Federal Government assists the various States and where we are left out. We have been and are continually burdening ourselves with indebtedness in the building and upkeep of our roads, which in a large measure are used by the military. We have our own workmen's compensation law, our vocational training law, and our farmer's loan law, besides expending over a million dollars a year in educating our alien population. In making these laws we never intended that the Federal Government should aid us in carrying them out, but if the Government wishes to assist the States in these laws, then why is Hawaii excluded from such benefits? [Applause.]

We do not ask for any favors, but we do object to having our citizens taxed for the benefit of the citizens of other States. All we ask is justice.

The Pacific every day comes more to the fore in our national affairs. Hawaii must be made easy of access from the mainland. Our harbors must be improved and our improvement projects must be carried out. If this extension of limit of indebtedness is permitted and our projects carried out, Hawaii will become not only in theory but in reality the crossroads and paradise of the Pacific.

It strikes me that when Congress passed the organic act it intended to permit the Territory to bond itself up to 10 per cent. Besides permitting the Territory to bond itself up to 7 per cent of the assessed value of property, it permitted the various counties to bond themselves up to 3 per cent. To date nearly 50 per cent of the money secured through bonds have been advanced to the counties, and they have not, on account of the credit extended by the Territory, issued any bonds.

Notwithstanding all this Hawaii still goes on and by the patriotic impulse of its citizens burdens itself with taxation and indebtedness so that Hawaii may still continue to be the paradise of the Pacific.

Section 303 of this bill seeks to amend section 66 of the organic act by making the governor a bona fide citizen and resident of the Territory. Section 311 seeks to place the same qualifications on the other appointees. Section 312 of the bill seeks to increase the salaries of the Territorial officials.

The governor, the secretary of the Territory, the supreme and circuit judges are appointed by the President of the United States, all of whom must be citizens of the Territory. By this bill it is sought to make them, besides being citizens, bona fide residents of the Territory, making them, in order to qualify, be residents of the Territory three years next preceding their appointment. The judges of the United States district court, the United States attorney, and the United States marshal are also appointed by the President, and it is sought by this bill to make them comply with the same condition. Under the present law there is no restriction as to residence within the Territory prior to appointment of the United States district judges, the attorney, and marshal. As a result many appointees were sent from the mainland. While in the main we have been fortunate in having men who were easily adaptable to our conditions, still I am a strong believer in the policy of home rule. We have men in Hawaii, born and raised there, who are capable of filling any Federal position, and, being familiar with the customs and conditions of our people, would make equally good and, I have no doubt, even better officials of the Government than those who are sent to Hawaii from the mainland.

I might add here that none of those officials are receiving salaries commensurate with their duties and responsibilities. The governor, particularly, is the first representative of the

President of the United States to be met by the foreign traveler from the Orient or the Antipodes. He must maintain the traditional hospitality of the United States upon his comparatively small salary. I might also say right here that the Territory itself is paying its attorney general a larger salary than the Federal Government pays the governor.

Now, gentlemen, our Territorial judges are underpaid, and in order to secure the best of the legal profession we must allow them increased compensation. Take the United States district judges for example, who preside over our Federal court, the jurisdiction of which is very limited, having jurisdiction only over the military reservations and violations of Federal statutes and in admiralty. The great bulk of justice is dispensed in our circuit courts. Fully five times as much work is done by any one of the circuit judges as by the United States district judges. Litigation involving enormous sums of money come before our circuit courts. They have jurisdiction in all criminal and civil cases and matters in equity, and yet the Federal judges receive an annual salary of \$7,500 and our circuit judges only receive \$4,000. Even our police magistrate for the city of Honolulu receives more. This bill asks for proper adjustment of these salaries.

Section 313 of this bill provides a new section to the organic act dealing with the employment of citizen labor on Federal work in the islands. Let me call your attention to the existing labor conditions and the opportunity of skilled and unskilled labor in the Territory. You are more or less familiar with the fact that the Army and Navy maintain posts on the island of Oahu. Considerable construction work has been carried on in the past and still is being carried on by the Government on the military and naval reservations there. Upon this work the Government has been and still is employing cheap coolie labor who are not citizens and are ineligible to become citizens of the United States, and only because their labor is cheap.

In the efforts to Americanize the Territory and to induce Americans to come from the mainland and to assist the citizens to compete with this cheap alien labor, the Territory has laws which make it compulsory that citizen labor only be employed on all governmental work, either done by the Territory itself or by contractors for the Territory. [Applause.]

The American Legion of Hawaii is working diligently to the end that Hawaii become thoroughly Americanized. It has passed resolutions in favor of this provision, and also a resolution whereby it is sought to have the business houses of the Territory give preference to citizens in employment, and are seeking to have the business houses follow the resolutions to the letter. I call this fact to your attention, gentlemen, to show how every effort is being bent to bring about good results along this line, and I also bring this matter to the attention of Congress so that the people of the Union will be cognizant of the actions of this patriotic body of Hawaiians who served in the late war.

Mr. Chairman, I congratulate the American Legion of Hawaii for its patriotic stand in this regard. [Applause.]

The provision in this bill, if enacted into law, requiring the United States Government to do likewise, will have a beneficial effect, and if there is not a sufficient amount of a certain type of skilled labor within the Territory they will be attracted there by virtue of the fact that they are more or less assured steady employment, and thereby materially assist the Hawaiians to build up an American community. [Applause.]

The so-called supremacy of the alien labor in Hawaii is not solely due to the failure of the Federal Government in employing citizen labor. The Hawaiian Sugar Planters' Association has not aided and assisted along this line by giving preferential employment to citizens. In former years skilled citizen labor was employed on the plantations, but as the coolie or alien became well enough acquainted with the workings of the mill he supplanted the citizens. I regret that some of the plantations in the islands have placed their desire for increased return above the duty to Americanize the Territory. [Applause.] Had the plantations given preference to citizens in the skilled and semiskilled positions in the mills, pumps, shops, and so forth, and the Federal Government employed citizen labor, there would not have been the exodus of American citizen skilled labor to the mainland of the United States which has occurred ever since annexation. The Hawaiians, who for the love of their islands will not leave it, are compelled to remain under conditions adverse to their best interest and eke out an existence as best they can.

I feel very strongly that if Congress makes it mandatory that only citizen labor be employed on Federal work within the Territory, gradually the skilled labor from the mainland will come to the islands, and the Hawaiians and other citizens will

return to their former trades from which they were driven by the alien, and thereby make Hawaii an American community. [Applause.]

As conditions have made the sugar plantations prosperous, and as the alien labor have clearly shown their attitude in the recent strike, they would, I am sure, having seen the result of their former action, employ citizen skilled labor wherever possible.

Although Hawaii is paying more, yet the War Department objects to this section on the ground that it would make construction on the Army posts more expensive, as it would be necessary to hire citizen labor. What is a few dollars, gentlemen, when you consider citizenship and patriotism and the alien menace nursed and fostered in Hawaii by the Government itself?

Ever since annexation the Hawaiian people have been insistent that the policy of the Federal Executive and of Congress be to develop Hawaii as speedily as possible as an American community, still it must be evident to all that it will be impossible to build up an American community in those isolated islands in the mid-Pacific if the policy of the Government continues as it has since annexation.

Not only have the Hawaiian people been discouraged in their attempt to better their condition and to Americanize Hawaii under American rule but also have been deprived of the benefits of Americans visiting our fair isles.

We are entitled to the benefits which accrue from such travel, and we have hopes of attracting by that means settlers who will become a part of our community.

From the very foundation of the Government one of the fundamental principles of our Nation has been freedom of intercourse and commerce between the several States and Territories. That principle is written into the Constitution itself and has been elaborated upon in countless laws and court decisions. And yet, after 20 years of earnest effort since annexation, we still find Hawaii denied freedom of travel to and from the mainland through the application of a law never designed to apply to an insular Territory. [Applause.]

Mr. ALMON. Will the gentleman yield?

Mr. KALANIANA'OLE. Yes.

Mr. ALMON. Has Alaska the benefit of our law for national aid to roads? I do not remember.

Mr. KALANIANA'OLE. No.

Mr. JOHNSON of Washington. That is just the trouble. The Territories Committee has endeavored to have this aid to the States extended to Hawaii, but has not been able to succeed.

Mr. KALANIANA'OLE. The principal amendment to section 73 of the organic act is the proviso which allows the land commissioner, with the approval of the governor and at least two-thirds of the members of the land board of the Territory, to make leases of cultivated sugar-cane lands and to omit the withdrawal provisions, wherein these lands may be taken for homesteading purposes whenever he deems it advantageous to the Territory so to do. By this it is not the intention to abandon homesteading or to throttle it in any way. At the hearing before the committee on territories of the house of the Hawaiian Legislative Commission it was brought out that much of this land would bring \$1,000 per acre were it possible for the Territory to sell it at public auction. It is safe to say that the average price on the whole area involved would be from four to five hundred dollars per acre. The committee did not think it expedient to release these valuable lands for homesteading purposes.

The leases on these lands which are about to expire were made about 30 years ago, without any reference to cane-land valuation, as the industry was small at that time and very little development had been made. The committee did not deem it fair to the Territorial government at this time, when these renewals can be made more advantageously and at a time when money is needed for schools and health, for harbor, road, and other improvements. They did not deem it sound judgment to turn over at a small fraction of its value all of this land at this time to homesteaders.

I have always been a consistent believer in homesteading, and all during my public career have sought to have the public lands cut up and given as homesteads to the people. However, when the Legislature of Hawaii was considering these highly cultivated lands, the leases of which were about to expire, they determined to lease one-fifth of them and approached Congress with such a resolution. The Legislature of Hawaii passed two conflicting resolutions—house concurrent resolution 28 and senate concurrent resolution 2. To avoid the conflict house concurrent resolution 28 provided "after adequate provision has been made by the Congress aforesaid to accomplish the purpose set forth in senate concurrent

resolution 2." This clause gave the rehabilitation scheme the preference, and in order to properly provide for such a measure it was found necessary to lease the highly cultivated lands, and the committee having determined to assist in the rehabilitation of the Hawaiian race, as provided in senate concurrent resolution 2, decided to leave the proportion to the Territorial officials, in favor of the policy of home rule, which I have always backed. The present Territorial administration, I may frankly say, is the best that we have had, and no doubt they will arrange an amicable adjustment of these highly cultivated lands.

The area of these highly cultivated lands as compared with the total area of Government public land is very small, and as the success of the rehabilitation of the Hawaiian race depends largely upon the money raised from the leases of these lands, I am sure that the officials will weigh well the claims of the Hawaiian on the one hand and the homesteader who would benefit from the homesteading of these lands on the other.

I am a believer in giving the small man a piece of land and assisting him to become a prosperous member of the community. There is no patriotism so great as that which is rooted in the soil. I am a believer in and have been consistent in the policy of home rule, and I feel that this question should be settled by the Territory itself.

We have reached a point, gentlemen, where it is necessary to administer our land laws, particularly the homesteading law, for the benefit of the greatest number. It is useless under the peculiar conditions obtaining in Hawaii to cut up land and hold drawings if after the successful applicants go upon their land they are not assured financial assistance and such other help from the Government as would assist them in making a firm start. I believe that the idea as laid out in title 2 of this bill to assist those of Hawaiian blood in the Territory will be successful and will stand as an example to the homesteading of that large area of Government land which up to this time has only been used for pastoral purposes, but which, I am sure, can be made as fruitful as other lands of the Territory.

Charges were made by my opponents in the last election that if the Federal farm loan act should be so amended as to include Hawaii the homesteader would thereby be benefited and enabled to borrow Federal money to develop his homestead. Knowing that this was impossible under the provisions of the Federal farm loan act, for the reason that while the homesteader is in the process of proving up and securing title to his allotment he has no security to offer, I therefore urged upon Territorial Senator Wise that proper legislation be passed by the Hawaiian Legislature which would enable the homesteader particularly to borrow Government money and thus assist him in his efforts to make good on the land. Yet when this bill was before the House of Representatives of Hawaii it was so amended that it took away most of the benefits that were originally in the Wise bill, called the farmers' loan act.

Much has been said concerning the failure of homesteading in Hawaii, and the claim has been made that those who applied for homes on Government land were principally speculators, who were desirous of obtaining title to the land as quickly as possible, as easily as conditions would permit, and at a valuation which would be less than the actual value of the land itself. The governmental policy is to appraise land for homesteading purposes at less than the actual value. As soon as they obtained title they would sell their holdings and receive the actual value.

In my opinion one of the vital troubles in regard to homesteading in the past has been the hostility of the plantations to the homesteaders and the lack of interest and support of former Government administrations. Some of the Government lands have been cut into lots so small that it was absolutely impossible for a man to establish a home upon them and make a living for himself and family. These conditions, I am glad to say, are being remedied somewhat, but there is still much to be done.

The homesteader who draws a lot upon which cane has been growing naturally desires to continue the cultivation of cane, and as his cane is useless to him unless taken by the neighboring mill and converted into sugar his success or failure is entirely in the hands of the mills. Many of the contracts for looking after and grinding the homesteader's cane are such that it is impossible for him to make more than a bare living, and often when the crop is matured and is turned over to the plantation a debit balance is carried over against his next crop. This has a tendency to discourage the homesteader, and very often as soon as he acquires title he disposes of his holding.

Homesteading on other than cane land has not been a success for varying reasons. If it is possible to grow vegetables, fruits, and so forth, which could be profitably sold in Honolulu and other centers of population, freight rates have eaten up the

profits. In the past considerable tracts of public land which the plantations could not cultivate for sugar have been opened to homesteading; much of it has been land which was more or less inconveniently situated and without roads and transportation facilities. In case the homesteader on this sort of tract did grow something for market, he would be doomed to failure before he started.

Mr. Chairman and gentlemen, having explained the bill as fully as possible in the limited time granted me, I respectfully ask that the bill do pass as submitted. [Loud applause, the Members rising.]

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc.,

TITLE I.—DEFINITIONS.

SECTION 1. This act may be cited as the "Hawaiian homes commission act, 1920."

SEC. 2. When used in this act the term "Hawaiian organic act" means the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended.

Mr. DOWELL. Mr. Chairman—

Mr. RAKER. Mr. Chairman, I move to strike out the last word. Is the committee going to rise?

Mr. DOWELL. Yes. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SANFORD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13500) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended, to establish an Hawaiian homes commission, and for other purposes, and had come to no resolution thereon.

ADDITIONAL CLERKS, COMMITTEE ON ENROLLED BILLS.

Mr. IRELAND. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 567.

Resolved, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to employ such additional clerks as may be necessary during the remainder of this session of Congress, the payment of services not to exceed \$100, to be paid out of the contingent fund of the House.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none. The Clerk will report the resolution.

The resolution was again read.

Mr. IRELAND. Mr. Speaker, this is a resolution that is always passed just prior to the adjournment of Congress and is anticipatory to an adjournment or recess, and this permits the Committee on Enrolled Bills to employ additional help, which they need owing to the congestion just as this time.

Mr. CLARK of Missouri. Can the gentleman tell us when we are going to recess or adjourn?

Mr. IRELAND. I am very sorry that I am unable to do so. I wish I might.

Mr. PARRISH. I understand that there are some three or four other bills that have been reported by the Committee on Accounts, and I wish to ask the chairman if he can give me any idea when those bills will be put before the House for action?

Mr. IRELAND. I can not.

Mr. PARRISH. Can the gentleman refer me to anybody who can?

Mr. IRELAND. I am sorry to say I can not.

Mr. BLANTON. Will the gentleman yield?

Mr. IRELAND. Certainly.

Mr. BLANTON. The gentleman intimated that the necessity for the passage of this resolution arises from the fact that it is the usual resolution which is passed just before adjournment or recess. That would carry with it that we are going to adjourn or recess. The gentleman would not make that statement without he has some foundation for it?

Mr. IRELAND. The gentleman knows nothing about what action the House may take.

Mr. BLANTON. The gentleman from Wyoming [Mr. MONDELL] has notified the gentleman that he has changed his plans differently from what he intimated some time ago?

Mr. IRELAND. No, sir.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

USE OF ARMY TRANSPORTS TO OLYMPIC GAMES.

Mr. SANFORD. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 179.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of Senate joint resolution 179, which the Clerk will report.

The Clerk read as follows:

Joint resolution (S. J. Res. 179) authorizing use of Army transports by teams, individuals, and their equipment representing the United States in Olympic games and international competitions.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Resolved, etc., That authority be, and is hereby, given to the Secretary of War to use such Army transports as may be available for the free transportation of teams, individuals, and their equipment representing the United States in Olympic games and other international competitions.

With committee amendments, as follows:

First committee amendment. Insert the following preamble:

"Whereas many of the teams now planning to go to Europe to participate in the Olympic games and international competitions are members of the Army and Navy and Marine Corps; and

"Whereas one of the objects of these games and competitions is to stimulate interest in marksmanship and rifle practice; and

"Whereas there is a scarcity of shipping facilities, and it is impossible for the teams going from the United States to secure privately owned steamships: Therefore be it"

And the second committee amendment: Strike out all after the resolving clause and insert in lieu thereof the following: "That authority be, and is hereby, given to the Secretary of War, under such rules and regulations as he may prescribe, to use such Army transports as may be available for the transportation of teams, individuals, and their equipment, representing the United States in Olympic games and other international competitions during the present year."

Mr. BEE. Mr. Speaker, will the gentleman yield?

Mr. SANFORD. I will be glad to.

Mr. BEE. How many does this resolution contemplate will go?

Mr. SANFORD. If the House will let me make a brief statement, I will say that the committee has been considering this matter for a long time. The Committee on Military Affairs has reported it. It has the earnest approval of the Secretary of War. Altogether there will be probably about 300 men in the party, of which number about one-third are members of the Army and Navy. Both the Army and Navy desire to send shooting teams to the Olympic games.

Mr. BEE. Is it contemplated that the transports shall go for this specific purpose, whether or no?

Mr. SANFORD. No; the committee would never have reported this resolution if it were not for this situation. On account of the steamship situation it is absolutely impossible for these men to get transportation abroad on privately owned steamers. We have investigated that matter and have taken it up with all of the steamship companies in New York, and unless we do this we can not have an American team take part this year in the Olympic games.

The Secretary of War says that it would be desirable for the American teams to compete. The Army and Navy both will send shooting teams, and, so far as we can see, it will not cost the Government a penny to carry on the transports the others who are not in the Army or Navy. It need not necessarily be considered as a precedent.

Mr. BLANTON. The gentleman spoke of the 300 men from the Army and Navy, and if 500 were transported that would leave 200 not accounted for; and that fact, following the suggestion of a recess or adjournment, might be considered significant. Can the gentleman tell us whether any of our colleagues are going on this summer trip?

Mr. SANFORD. I do not understand so. This resolution does not authorize any of our colleagues to go unless they qualify on the Olympic teams. If we have any sprinters or jumpers among us, perhaps they might go. [Laughter.]

Mr. BLANTON. All the expenses are to be paid by the Government?

Mr. SANFORD. The Government pays no expense, and the regulations of the Secretary of War will be such as are usual on such occasions, that each man will pay for his board on the ship. The resolution provides that the transports are to be furnished under such regulations as the Secretary of War shall prescribe.

Mr. BLANTON. But the other people who will go on this trip will undoubtedly involve some expense, will they not?

Mr. SANFORD. Of course, the Army can send its own men and the Navy can send its own men without this regulation.

Mr. BLANTON. But when they eat the food on the ship the people of the United States will have to pay for that food, at

a time when we are not now raising more than a minimum amount of it.

Mr. SANFORD. The Secretary of War will by this resolution create no charge against the Government of the United States.

Mr. BLANTON. I will not consent to the passage of this resolution without the presence of a quorum. I wish the gentleman would follow a good suggestion I heard a while ago. If the gentleman will send these 300 men down to the farms in Texas, they might produce something worth while.

Mr. SANFORD. These boys will come from all over the United States, from the teams in the various States in the country, and the Army and the Navy are interested in the matter on account of the athletic features involved. We want these boys to compete in the service in order to hold up the name of America in these Olympic games this year. The committee has gone into it very carefully and has agreed to bring this out.

Mr. BLANTON. Well, Mr. Speaker, I will follow the gentleman's advice and withdraw the point of order.

Mr. Sisson. Mr. Speaker, I make the point that no quorum is present.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 1 minute p. m.) the House adjourned until to-morrow, Saturday, May 22, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation required by the War Department for payment of additional claims for damages to private property growing out of fire and explosion at Morgan, N. J. (H. Doc. No. 777); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, together with report of Maj. Charles T. Leeds, Engineers, also report of Maj. Frederick B. Downing, Corps of Engineers, on a preliminary examination and survey, respectively, of Moro Bay, Calif.; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. JOHNSON of Mississippi, from the Committee on the Public Lands, to which was referred the bill (H. R. 12045) to provide for the conveyance of lots on the low grounds of Washington, D. C., reported the same without amendment, accompanied by a report (No. 1019), which said bill and report were referred to the House Calendar.

Mr. FORDNEY, from the Committee on Ways and Means, to which was referred the bill (H. R. 14157) to provide adjusted compensation for veterans of the World War, to provide revenue therefor, and for other purposes, reported the same without amendment, accompanied by a report (No. 1020), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KING: A bill (H. R. 14173) to reduce the high cost of necessities of life; to the Committee on Banking and Currency.

By Mr. IRELAND: A bill (H. R. 14174) authorizing a preliminary survey to be made of certain portions of the Illinois River and its tributaries; to the Committee on Rivers and Harbors.

By Mr. KREIDER: A bill (H. R. 14175) authorizing the Secretary of War to donate to Shade Post, No. 399, of Gratz, Pa., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. FORDNEY: A bill (H. R. 14176) authorizing the Secretary of War to make donation of condemned German cannon to the city of Alma, Mich.; to the Committee on Military Affairs.

By Mr. MAPES (by request of the Commissioners of the District of Columbia): A bill (H. R. 14177) to amend an act entitled "An act to provide for the support and the maintenance of bastards in the District of Columbia"; to the Committee on the District of Columbia.

Also (by request of the Commissioners of the District of Columbia), a bill (H. R. 14178) to amend an act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or his or her minor children in destitute or necessitous circumstances"; to the Committee on the District of Columbia.

Also (by request of the Commissioners of the District of Columbia), a bill (H. R. 14179) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia"; to the Committee on the District of Columbia.

By Mr. FORDNEY: Resolution (H. Res. 566) providing for the consideration of House bill 14157; to the Committee on Rules.

By Mr. GARLAND: Resolution (H. Res. 568) providing for the consideration of H. R. 13091; to the Committee on Rules.

By Mr. GRIFFIN: Joint resolution (H. J. Res. 360) authorizing the Postmaster General to allow and pay to the employees of the Postal Service a flat increase of 25 per cent on all basic salaries pending the report of the Joint Congressional Post Office Salaries Reclassification Commission and legislation carrying same into effect; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Memorial of the Legislature of the State of New Jersey, for the furtherance of a national system of highways in cooperation with the various States of the Union; to the Committee on Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DYER: A bill (H. R. 14180) granting an increase of pension to John Condon; to the Committee on Pensions.

By Mr. HERSEY: A bill (H. R. 14181) granting a pension to George F. Phillips; to the Committee on Invalid Pensions.

By Mr. HUSTED: A bill (H. R. 14182) for the relief of the White Plains Agricultural and Fair Association; to the Committee on War Claims.

By Mr. KAHN: A bill (H. R. 14183) granting an increase of pension to Matilda E. Ames; to the Committee on Pensions.

By Mr. KELLY of Pennsylvania: A bill (H. R. 14184) granting a pension to Rachel Tweedle; to the Committee on Invalid Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 14185) granting a pension to Samuel H. Neese; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14186) granting a pension to John Hill; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 14187) granting a pension to William W. Moore; to the Committee on Pensions.

By Mr. SNELL: A bill (H. R. 14188) granting a pension to Viola Lawrence; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14189) granting a pension to Lucy Esterbrooks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14190) granting a pension to Thomas Debuque; to the Committee on Invalid Pensions.

By Mr. STINESS: A bill (H. R. 14191) granting an increase of pension to Emily L. Bennett; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 14192) granting a pension to Cena M. Maples; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14193) granting a pension to James Cantrell; to the Committee on Pensions.

By Mr. WEBSTER: A bill (H. R. 14194) granting an increase of pension to William Sondergaard; to the Committee on Pensions.

By Mr. WHITE of Maine: A bill (H. R. 14195) granting a pension to Mary E. Wells; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3786. By the SPEAKER (by request): Petition of Brightwood Citizens' Association, of Washington, D. C., favoring the emergency relief of a \$500 bonus for teachers in the District of Columbia; to the Committee on Appropriations.

3787. Also, petition of sundry citizens of Massachusetts, favoring increased pay for postal employees; to the Committee on the Post Office and Post Roads.

3788. Also, petition of the Private Soldiers' and Sailors' Legion, favoring \$500 cash bonus for service men; to the Committee on Ways and Means.

3789. By Mr. ASHBROOK: Petition of 44 members of Clerfork Grange, of Butler, Ohio, protesting against the passage of the Nolan bill, H. R. 12397; to the Committee on Ways and Means.

3790. By Mr. CULLEN: Petition of the Merchants' Association of New York and the Brooklyn Chamber of Commerce, opposing blanket bonus to veterans; to the Committee on Ways and Means.

3791. Also, petition of the Twentieth Assembly Republican Club of New York, relative to increased pay for postal employees; to the Committee on the Post Office and Post Roads.

3792. Also, petition of the Cloak and Suit Tailors' Union, Local 9, New York, favoring amnesty for political prisoners; to the Committee on the Judiciary.

3793. By Mr. DARROW: Petition of the Philadelphia Board of Trade, protesting against general cash bonus; to the Committee on Ways and Means.

3794. By Mr. DYER: Petition of 13 individuals or corporations of St. Louis, Mo., in connection with soldiers' bonus legislation; to the Committee on Ways and Means.

3795. Also, petition of six individuals and associations of St. Louis, Mo., in connection with postal matters; to the Committee on the Post Office and Post Roads.

3796. Also, petitions of the St. Louis Chamber of Commerce against, and the Inland Machine Works in favor of, the adoption of the metric system; to the Committee on Coinage, Weights, and Measures.

3797. Also, petition of three individuals of St. Louis, Mo., opposing proposed patent legislation; to the Committee on Patents.

3798. Also, petition of the Missouri Branch, American Legion, in connection with various legislation affecting soldiers; to the Committee on Ways and Means.

3799. Also, petition of the St. Louis executive committee, American Legion, protesting against House resolution 549; to the Committee on the Judiciary.

3800. Also, petition of the Amalgamated Sheet Metal Workers of Springfield, Mo., favoring amnesty to political prisoners; to the Committee on the Judiciary.

3801. Also, petition of the Advertising Club of St. Louis, Mo., protesting against proposed tax on advertising; to the Committee on Ways and Means.

3802. Also, petition of the Western Coal & Mining Co., of St. Louis, Mo., against seasonal freight rates for coal; to the Committee on Interstate and Foreign Commerce.

3803. By Mr. ESCH: Petition of the board of managers of the New York Produce Exchange, in opposition to bonus legislation; to the Committee on Ways and Means.

3804. Also, petition of Local Union No. 310, International Molders' Union, of Racine, Wis., favoring release of political prisoners and the repeal of the espionage act; to the Committee on the Judiciary.

3805. By Mr. FULLER of Illinois: Petition of the Chamber of Commerce of the United States, opposing a cash bonus to ex-service men; to the Committee on Ways and Means.

3806. Also, petition of the Woelfel Leather Co., of Morris, Ill., opposing a tax on sales of certificates of indebtedness; to the Committee on Ways and Means.

3807. Also, petition of Barnhart Bros. & Spindler, of Chicago, Ill., opposing retroactive tax on industries; to the Committee on Ways and Means.

3808. Also, petition of Frank W. Thomas, of Chicago, and the Chicago Board of Trade, opposing tax on transactions of boards of trade and produce exchanges; to the Committee on Ways and Means.

3809. Also, petition of Col. Foreman, of Chicago, commander American Legion, favoring fourfold plan for optional beneficial legislation for ex-service men; to the Committee on Ways and Means.

3810. By Mr. JOHNSTON of New York: Petition of the Brooklyn Chamber of Commerce, New York, and Manufacturers and Dealers' League, favoring increased pay for postal employees; to the Committee on the Post Office and Post Roads.

3811. By Mr. MAHER: Petition of sundry citizens of Brooklyn, N. Y., favoring an increase in salaries for postal employees; to the Committee on the Post Office and Post Roads.

3812. By Mr. MONAHAN of Wisconsin: Petition of people of the district for passage of House bill 3259; to the Committee on Interstate and Foreign Commerce.

3813. By Mr. O'CONNELL: Letters and resolutions from sundry citizens of New York, opposing the proposed bonus for soldiers plan; to the Committee on Ways and Means.

3814. Also, sundry letters and petitions from citizens of New York, favoring increased compensation for postal employees; to the Committee on the Post Office and Post Roads.

3815. Also, petition of the Cloak and Suit Tailors' Union of New York City, favoring the passage of Senate joint resolution 171 and Senate bill 1233; to the Committee on the Judiciary.

3816. By Mr. PAIGE: Evidence in support of House bill 14169, granting a pension to Adelia J. Fiske; to the Committee on Invalid Pensions.

3817. By Mr. RAKER: Petition of C. S. Foster, president B. of R. T. Lodge 458, of Dunsmuir, Calif., protesting against the passage of the Army reorganization bill and urging its defeat; to the Committee on Military Affairs.

3818. Also, petition of 600 railroad shop employees of Dunsmuir, Calif., opposing the passage of the Army reorganization bill; to the Committee on Military Affairs.

3819. By Mr. RIORDAN: Petition of sundry citizens of New York, opposing stock-sales tax; to the Committee on Ways and Means.

3820. By Mr. ROWE: Petition urging the passage of H. R. 13334; to the Committee on the Merchant Marine and Fisheries.

3821. By Mr. SNELL: Petition of sundry citizens of the counties of Clinton, Essex, and Franklin, N. Y., protesting against the deferred payment of the interest due on loans made to Great Britain; to the Committee on Foreign Affairs.

3822. Also, petition of sundry citizens of the counties of Clinton, Essex, and Franklin, requesting the passage of the Mason bill, for recognition of the Irish republic by the United States; to the Committee on Foreign Affairs.

3823. By Mr. TAGUE: Petition of the Industrial Accident Board of Boston, Mass., favoring the industrial vocational training bill, H. R. 4438; to the Committee on Education.

3824. By Mr. TINKHAM: Petition of the Aero Club of Boston, Mass., favoring separate air service for Army and Navy; to the Committee on Military Affairs.

3825. Also, petition of the Housekeepers' League of Boston, Mass., protesting against profiteering; to the Committee on the Judiciary.

SENATE.

SATURDAY, May 22, 1920.

(Legislative day of Friday, May 21, 1920.)

The Senate met at 12 o'clock noon, on the expiration of the recess.

NATIONAL PROHIBITION (S. DOC. NO. 277).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a supplemental estimate of appropriation in the sum of \$1,500,000, required by the Bureau of Internal Revenue for the employment of guards and watchmen, and other expenses necessary in the prevention of violations of the "national prohibition act," being for the fiscal year 1921, which, with accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the amendments of the Senate to the joint resolution (H. J. Res. 327) terminating the state of war declared to exist April 6, 1917, between the Imperial German Government and the United States, permitting on conditions the resumption of reciprocal trade with Germany, and for other purposes.

The message also returned to the Senate, in compliance with its request, the bill (S. 4332) to exchange the present Federal building and site at Gastonia, N. C., for a new site and building.

The message further announced that the House agrees to the amendment of the Senate to the bill (H. R. 12626) for the relief of certain persons to whom, or their predecessors, patents were issued to public lands along the Snake River in the State of Idaho under an erroneous survey made in 1883.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 13558. An act for the purpose of improving the facilities and service of the Bureau of War Risk Insurance, and of further amending and modifying the war-risk insurance act, as amended; and

H. R. 13627. An act to amend paragraph (e) of section 7 of the act approved March 3, 1919, entitled "An act to authorize